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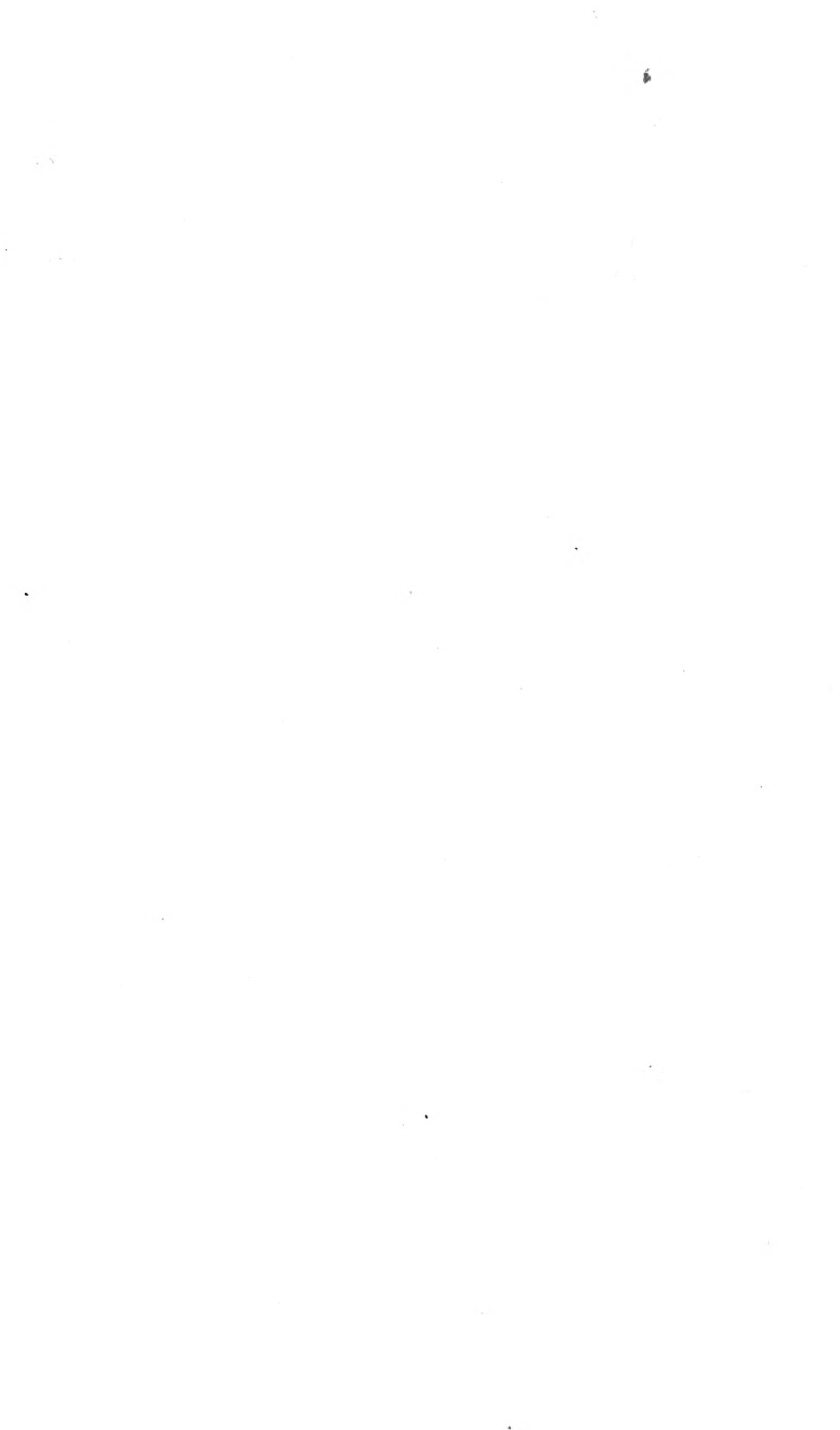
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LAWS OF 1851.



GENERAL LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

SEVENTEENTH GENERAL ASSEMBLY,

AT THE

SESSION COMMENCING JANUARY 6, 1851.

SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

1851.



L A W S O F 1851.

AN ACT making partial appropriations.

In force Jan.
18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby required to draw his warrant on the treasurer for the sum of fifty dollars to each member of the general assembly, to the speaker of each house, the secretary and assistant secretary of the senate, the clerk and assistant clerk of the house of representatives, to each of the engrossing and enrolling clerks, and assistant engrossing and enrolling clerks, and to each of the doorkeepers and assistant doorkeepers of the house and senate. \$50 appropriated to members and officers.

§ 2. The secretary of the senate and the clerk of the house of representatives shall certify to the auditor of public accounts, as soon as practicable, the names of the members and officers of the seventeenth general assembly. Names to be certified.

§ 3. This act to be in force from and after its passage.

APPROVED January 18, 1850.

AN ACT to distribute the surplus copies of the Revised Statutes.

In force Jan
23, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of an act entitled "An act in relation to the state library," approved January twenty-seventh, one thousand eight hundred and forty-seven, as authorizes the secretary of state to sell the surplus copies of the Revised Statutes, be and the same is hereby repealed. Act repealed in part.

Surplus copies of Revised Statutes to be distributed.

§ 2. The secretary of state is hereby authorized to distribute to the members of this general assembly, in equal proportions, all the surplus copies of the Revised Statutes, not needed for the use of his department.

Members of general assembly to distribute to destitute officers.

§ 3. The volumes of said statutes, so furnished by the secretary of state to the members of this general assembly, shall be by them distributed, in their respective districts, to such justices of the peace, and other legal officers, as may be destitute of them, to be by them transferred to their successors in office.

Sec'y of state to distribute in certain cases.

§ 4. In case the members of the general assembly shall fail or neglect to take and distribute the copies of the statutes, as provided in the foregoing sections, that then the same shall be distributed by the secretary of state, at the same time and manner as the laws and journals shall be distributed.

APPROVED January 23, 1851.

In force April 18, 1851.

AN ACT for the protection of state lands.

Persons guilty of trespass on state lands to be fined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any person who shall wilfully cut, fell, box, bore, injure, or destroy any tree or sapling, standing or growing upon any land which has been or may be donated, granted, or conveyed to the state of Illinois, or the people of said state, or to any corporation, or persons, for the use of the state or people, under or by virtue of any law of the United States, or resolution of congress to aid the state in the construction of any railroad or canal, or any levee or drain, or other work of improvement, or to be used for any such purposes, shall be liable to indictment, and, upon conviction, to be fined, in not less than five nor more than ten dollars, for every tree or sapling so cut, felled, boxed, bored, injured, or destroyed; and the judgment of the court in all cases under this act, when the fine and costs are not replevied, shall be that the defendant stand committed until the fine and costs are paid.

Fines to be paid into state treasury.

§ 2. Fines collected under the provisions of this act shall be paid into the state treasury, and applied to the purposes for which the land on which the trespass was committed is or may be held.

§ 3. This act shall be given in charge to the grand jury of each county at each term of the circuit courts of this state, and the same shall be read at large to them.

APPROVED January 23, 1851.

AN ACT to extend the time for collectors in counties which have adopted township organization to complete their duties. In force Jan. 24, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the time for the collectors in the several counties which have adopted township organization, to complete their collections, be and the same is hereby extended until the first day of March next: *Provided*, that this act shall not apply to such collector, or collectors, until he or they shall first appear before the clerk of the county court of the proper county, with his sureties, and such collector and his surety shall consent, in writing, under their hands and seals, to the said extension of time, and further consent that said extension shall not in any manner impair the obligation of the said collector and sureties upon his bond as collector. Time extended to March 1.
Sureties to consent.

§ .2 This act to take effect and be in force from and after its passage.

APPROVED January 24, 1850.

AN ACT to amend an act entitled "An act for the incorporation of institutions of learning." In force Jan. 24, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act entitled "An act for the incorporation of institutions of learning," in force April 13th, 1849, be and the same is hereby amended by the addition of the words "and associates," after the word successors, in the second line of section two of said act. Words added.

§ 2. This act to be in force from and after its passage.

APPROVED January 24, 1851.

AN ACT to amend chapter 104, Revised Statutes, entitled 'Trespass.'

In force May 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every person who shall knowingly and wilfully, without color of title made in good faith, cut, box, fell, bore or destroy any tree or sapling standing or growing upon the land of any person or corporation, without the license or consent of the owner of such land, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum Penalty.

not less than ten nor more than one hundred dollars, or imprisoned in the county jail for any term not exceeding three months, in the discretion of the court in which such conviction is had.

Proceeding to be
by indictment.

§ 2. That all offenders against this act shall be proceeded against by indictment in the court of the proper county having cognizance of indictable offences; on the trial of which indictment the owner or owners of the land upon which such trespass shall be committed, are hereby declared competent witnesses.

Witnesses, who
may be.

Additional pen-
alty.

§ 3. It shall be the duty of the court in all cases of conviction under this statute, when any fine is inflicted, to order as a part of the judgment of the court that the offender shall be committed to jail, there to remain until the fine and costs are fully paid or otherwise legally discharged, and any judgment for fine and costs hereafter rendered under this act may be enforced by execution as in other criminal cases.

Option of land
owners.

§ 4. Nothing in this act contained shall be so construed as to prevent the owner from having his election, and maintaining an action of trespass to recover damages for the trespasses declared criminal by this act, and that an indictment under this act shall be a bar to the recovery of the penalty given by the statute by action of debt.

Travelers, &c.,
not subject to
penalty.

§ 5. This act shall be in force from and after the first day of May next, and shall not apply to any traveller or marketer passing upon the highway, who, for the purposes of encampment and building camp fires, shall violate the provisions of this act by cutting such trees or saplings as may be necessary for above purposes.

APPROVED January 28, 1851.

In force Jan. 28, 1851. AN ACT entitled an act to legalize the assessment of taxable property in McDonough county.

Oath to be at-
tached to as-
essment book.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William T. Head, as ex officio assessor of McDonough county, be and is hereby authorized to indorse on, or attach to the assessment book, containing the assessment of said county for the year 1850, an oath or affidavit according to the mode prescribed in section twenty-two of an act approved February 8, 1849, entitled "An act to amend the several acts concerning the public revenue."*

Assessm't there-
upon to be va-
lid.

§ 2. That when said oath or affidavit shall have been made and indorsed on, or attached to said assessor's book, the assessment made by the said William T. Head shall be as valid in law as if said oath or affidavit had been made

before he entered upon the discharge of his duties as assessor of said McDonough county.

§ 3. This act to take effect from and after its passage.

APPROVED January 28, 1851.

AN ACT relating to warehousemen, wharfingers, and other persons, and to prevent In force Jan. 28, fraud. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no warehouseman, wharfinger, or other person, shall issue any receipt or other voucher for any goods, wares, merchandize, grain, or other produce or commodity, to any person or persons, purporting to be the owner or owners thereof unless such goods, wares, merchandize, or other produce or commodity, shall have been *bona fide* received into store by such warehouseman, or wharfinger, or other person, and shall be in store, and under his control at the time of issuing such receipt. Fraudulent receipts prohibited.

§ 2. That no warehousemen, wharfinger, or other person, shall issue any receipt or other voucher upon any goods, wares, merchandize, grain, or other produce or commodity, to any person or persons as security for any money loaned, or other indebtedness, unless such goods, wares, merchandize, grain or other produce or commodity, shall be, at the time of issuing such receipt, the property of such warehouseman or wharfinger, or other person, and shall be in store and under his control at the time of issuing such receipt, or other voucher as aforesaid. No person to issue receipts on property not his own.

§ 3. That no warehouseman, wharfinger, or other person, shall issue any second receipt for any goods, wares, merchandize, grain, or other produce or commodity, while any former receipt for any such goods or chattels as aforesaid, or any part thereof, shall be outstanding and uncanceled. No second receipt to be issued while first outstanding.

§ 4. That no warehouseman, wharfinger, or other person, shall sell, or encumber, ship, transfer or in any manner remove beyond his immediate control, any goods, wares, merchandize, grain, or other produce or commodity, for which a receipt shall have been given as aforesaid, without the written assent of the person or persons holding such receipt. Transfer of goods prohibited without consent of person holding receipt.

§ 5. Any warehouseman, wharfinger, or other person, who shall violate any of the foregoing provisions of this act, shall be deemed a cheat, and subject to indictment, and, upon conviction, shall be fined in any sum not exceeding one Penalty, fine & imprisonment.

thousand dollars, and imprisoned in the penitentiary of this state not exceeding five years; and all and every person aggrieved by the violation of any of the provisions of this act, may have and maintain an action on the case against the person or persons violating any of the foregoing provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted as a cheat under this act or not.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, 1851. AN ACT to legalize the assessment of taxes in Schuyler county, for the year 1850.

ASSESSMENTS LEGALIZED. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the assessments of taxable property, made by the assessor of the county of Schuyler, and state of Illinois, or by any of his deputies, for the year of our Lord one thousand eight hundred and fifty, be and the same is hereby legalized, ratified and confirmed and declared valid, and effectual to all intents and purposes, as if the same had been made in the manner, and completed and returned within the time required by law, any defect therein to the contrary notwithstanding.

COLLECTIONS LEGALIZED. § 2. All collections of taxes made by the collector of the said county of Schuyler, upon said assessments, are hereby legalized, and he shall account for and pay over the same in the time and manner required by law.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, 1851. AN ACT to authorize the Board of Trustees of the Illinois and Michigan Canal to receive pay from certain persons therein named, for lots sold in the town of La Salle, in the year 1848.

CERTAIN PERSONS RELIEVED. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of trustees of the Illinois and Michigan Canal, are hereby authorized to settle with, and receive pay from William Whaley, Richard Cody, John Allen and Michael Burke,

their heirs or assigns, as the case may be, for lots bought by them in the town of La Salle, in the year (1848) eighteen hundred and forty-eight, the said trustees estimating the value of said lots so sold according to the last appraisement of lots similarly situated in said town.

§ 2. This act to be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT for the division of the town of Salisbury.

In force Jan. 28,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that portion of the present town of Salisbury, in the county of La Salle, which lies east of the west line of sections three (3,) ten (10,) fifteen (15,) twenty-two (22,) twenty-seven (27,) and thirty-three (33,) in township thirty-three (33,) north of the base line, and range one (1) east of the third principal meridian, be and the same is hereby set off and made to constitute a new town, to be known as the town of La Salle.

Town of La
Salle created.

§ 2. There shall be no election of township officers in said township of La Salle, until the time for holding the next general election of township officers in the county of La Salle, at which time an election shall be held at such place within said town of La Salle as may be selected by the clerk of the county court for the county of La Salle.

Election.

§ 3. All persons now acting as justices of the peace, and residing within the limits of the township of La Salle, aforesaid, shall continue so to act until their present commissions shall expire.

Present officers
to continue in
office.

§ 4. This act shall be in force from and after its passage.

APPROVED January 28, 1851.

AN ACT to amend an act entitled "An act to provide for the construction of plank roads by general law." In force Jan. 28, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the 27th section of an act entitled "An act to provide for the construction of plank roads by a general law," approved Feb'y 12, 1849, be and the same is hereby so amended, that any subscriber to the capital stock of any plank road to be constructed in this state, under said law, shall not be responsi-

Limitation of
responsibility
of stockholders

ble beyond the actual amount of stock so by him subscribed and so much of the said law as conflicts herewith, be and the same is hereby repealed.

§ 2. This act to be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 28, 1851. AN ACT to authorize the purchase of law books for the libraries of the supreme court.

Appropriation
to purchase law
books.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be appropriated for the years 1851 and 1852, the sum of five hundred dollars annually, for each of the grand divisions of the supreme court, to be applied in the purchase of law books for the libraries of said court; the money to be drawn and expended under the direction of the justices of said court.

This act to be in force from and after its passage.

APPROVED January 28, 1851.

In force Jan. 29,
1851.

AN ACT to authorize the county of St. Clair to borrow money.

Authority to
borrow money.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county of St. Clair be authorized and empowered to borrow a sum of money, not exceeding twenty-five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for any of the following purposes, namely: for building a court-house for said county, for the improvement of the roads therein, either by direct expenditure, or by subscribing for stock in any road company in said county, or for redeeming the county orders heretofore issued and outstanding against the said county.

Bonds may be is-
sued.

§ 2. That the county court of said county be permitted, in their discretion, to make the loan above provided for, and to issue bonds bearing the interest above prescribed, and payable as the said court shall direct; which bonds shall be signed by the county judges and attested by the clerk and the seal of the said court, shall be for such sums as said court may specify, and shall be binding on said county as security for such loan.

§ 3. This act to be in force from and after its passage.

APPROVED January 29, 1851.

AN ACT to amend an act entitled "An act to lease the penitentiary," approved In force Jan. 31, March 1st, 1845. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the lease granted to Samuel A. Buckmaster by the legislature of this state, by an act entitled "An act to lease the penitentiary," approved March first, 1845, be and the same is hereby extended, for and during the period of five years from and after the expiration of the present lease granted by the said act to which this is an amendment. Lease extended

§ 2. The said Samuel A. Buckmaster shall pay, annually, the sum of five thousand and one hundred dollars bonus, or rent, for said penitentiary, as is provided for by sec. 2 of the act to which this is an amendment. Yearly rent.

§ 3. The said Samuel A. Buckmaster shall enter into bond, conditioned to comply with the provisions of this act, and the act to which this is an amendment; which bond shall be made to the people of the state of Illinois, in the penal sum of twenty thousand dollars, with good and sufficient securities, to be approved by the governor of this state; which bond shall be executed within thirty days after the passage of this act, and shall be renewable every two years, or oftener, if, in the opinion of the inspectors of the penitentiary, the securities become insufficient. Bond required

§ 4. This act to take effect and be in force from and after its passage.

APPROVED January 31, 1851.

AN ACT to establish the twelfth judicial circuit.

In force Feb. 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Marion, Jefferson, Hamilton, Wayne, White, Wabash, Edwards, Gallatin and Saline, shall compose a judicial circuit, to be called the twelfth judicial circuit of the state of Illinois, and that circuit courts shall be holden at the respective county seats of the said counties, at the times following, viz: In the county of White, on the first Mondays in April and August; in the county of Wabash, on the Mondays following; in the county of Edwards, on the Mondays following; in the county of Wayne, on the Mondays following; in the county of Marion, on the Mondays following; in the county of Jefferson, on the Mondays following; in the county of Hamilton, on the Mondays following; in the county of Saline, on the Mondays follow- Time of holding courts.

ing; and in the county of Gallatin, on the Mondays following, and to continue therein indefinitely for the dispatch of business.

Process return-
ing as hereto-
fore. § 2. All writs, subpoenas, recognizances and other process which may have been or may be issued, and made returnable to the terms of the circuit courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit court in said counties as herein required to be holden, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act refer to the terms of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

Election of
judge and at-
torney. § 3. On the second Monday in March next, an election for a judge and state's attorney for said judicial circuit shall be holden, which shall be conducted, and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges as provided by the constitution, and until his successor shall be elected and qualified.

Powers of judge. § 4. The said circuit judge, when elected, shall exercise all the powers, perform all the duties and have all the jurisdiction and authority now had, or hereafter to be required of, or exercised by circuit judges of this state, under the constitution or laws of this state, and shall receive the same compensation as other judges are entitled to receive by the constitution and laws of this state.

Duties and fees
of state's at-
torneys. § 5. The state's attorney elected under this act shall discharge all the duties, and receive the like fees and compensation for services as such, as appertain to said office by the constitution and laws of this state.

Duties of secre-
tary of state. § 6. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices for the said election to the sheriffs thereof respectively; which notices shall be posted up by them in the several precincts, in all respects in like manner as provided by the constitution and laws of this state for holding general elections thereof.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 1, 1851.

AN ACT requiring county treasurers to give additional bonds in certain cases.

In force Feb. 1,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the failure or refusal of any person heretofore or hereafter elected, or appointed to the office of county treasurer, to execute any bond required by any law passed before or subsequent to the election, shall vacate the office, and a successor shall be appointed, in counties having adopted township organization, by the board of supervisors, and in other counties, by the county courts; such successor to execute bond or bonds and execute the duties of the office as though he had been originally elected or appointed to that office.

Failure to execute bonds.

New election.

§ 2. This act shall take effect on its passage.

APPROVED Feb'y 1, 1851.

AN ACT to amend "An act to provide for the construction of plank roads by a general law," approved February 12, 1849.

In force Feb. 1
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the eighth section of the act to which this is amendatory shall be so construed, that any plank road company formed and organized under the provisions of said act may procure by purchase or gift, from the owners thereof, any lands or the right of way over any lands necessary for the construction and convenience of the proposed road, and may also agree to the use of any part of a state or county road, or public highway, for the construction of a plank road, with the county court, or with the board of supervisors (in case such county shall be organized under the township organization law) in which such highway may be situated; such agreement with such court or board of supervisors shall be in writing, and filed and recorded in the office of the clerk of the county court, or may agree with the mayor and aldermen or corporate authorities of any town or city incorporated under or by virtue of any law of this state, for the use of any public street or public ground within the limits of such corporation, for the construction of a plank road, or for the use of such plank road company; which said agreement shall be in writing, and filed and recorded in the office of the clerk of the county court of the county wherein such corporation or city may be situated; and in all cases for the agreement for the use of any public highway or street, as aforesaid, the said company shall possess the right and power to cause the same to be opened the full width that the same was originally laid out or surveyed, or of the width

Companies may acquire lands &c.

Manner.

Duty of company.

that the same may have been declared by law, and upon giving twenty days' notice by their secretary or treasurer, to the owners, occupiers or claimants of land over which any such public highway or street may have been laid or declared, it shall be the duty of such owner, occupier or claimant, to remove all fences or other obstructions to which he or they may lay claim from off such highway or street, and in case default be made in the removal of any such fence or other obstruction, within thirty days after the date of service of notice as aforesaid, the said company may remove any and all such fences or other obstructions, placing the same (if a fence) upon the proper line, doing as little damage as the nature of the case will admit, and the said company shall have the right to demand and recover a reasonable price for such work and labor from the owner, occupants or claimants of such lands in any county having jurisdiction thereof.

Survey to be made and certified.

§ 2. Before constructing the road over any such lands as may be acquired by purchase or gift, or over any highway or street, by agreement with the county court, board of supervisors, or corporation as aforesaid, such company shall cause an accurate survey of such road or roads, street or streets, or parts thereof, to be made by a practical surveyor, by him certified, signed by two of the directors, and by them acknowledged before some officer authorized to take the acknowledgement of deeds, that the said survey is correct, and file the same in the office of the clerk of the county court wherein such land, roads or parts thereof may be situated.

Disputes, how settled.

§ 3. That in all cases where a dispute may arise in relation to the track or location of any public road, highway or street, or part or parts thereof, so as aforesaid agreed for, by any plank road company, and the original survey or plat thereof does not distinctly show the location of the same, or whenever the survey and plat cannot be found in the proper office, the same shall be surveyed and located upon the track or ground which has been used and travelled as such road or street for the three years next preceding such agreement: *Provided*, that the owner or owners of any such lands over which such road or street may pass, may agree with such company to alter or vary the location of such road or street, or parts thereof, across his or their said lands, and in that event, the old track shall thereby be vacated to the same extent as other lands are given in lieu thereof.

Proviso.

On expiration of charter, value of superstructure to be appraised.

§ 4. At the expiration of the corporate existence of any plank road company, by expiration of their term fixed by its articles of association, if said road shall have been constructed upon any public highway or street, the county in which said road is situated shall pay to said com-

pany the value of the plank superstructure of said road, at the time of said expiration, unless said company and said county shall again contract for the right of way over such public highway or street, upon a renewal of said company's charter. The value of such superstructure shall be ascertained by reference to three disinterested citizens of such county, one of whom shall be appointed by the board of supervisors, or county court (as the case may be) of said county, one other by said company, and they two shall choose the third, and their decision, under oath, to be binding and final upon both parties.

§ 5. That the provisions of this act, and of the act to which this is amendatory and supplemental, (as amended) shall apply and be extended to any and all plank road companies organized under said general law, and all the acts legally done or performed by such company, or contracts made for the use, or right of way over any lands or public highway, with the county court of any county, or with the board of supervisors of any county, be and the same are hereby confirmed in such plank road company: *Provided*, that in case any company has failed or omitted to acknowledge and file the survey of their said road as required by this act, the same shall be so made and filed within ninety days from the passage of this act, and all such plank road companies organized under this act, or the act to which this is an amendment, may construct their said road by a single or double track of plank, as such company may deem for their interest.

§ 6. If any person or persons shall wilfully cut down, or break, deface or injure any mile post or post on any such road, or shall wilfully cut or throw down, break or injure any gate, fence, or appendage, erected on any such road, or wilfully tear up, displace, break, or injure in any way, any such road or any thing thereunto belonging, or being an appendage, or for the use and convenience of any such road, he or they shall respectively and individually forfeit and pay to the company owning such road three times the amount of damage actually done, and, in every instance, he or she shall forfeit and pay at least the sum of twenty-five dollars. If any person, to avoid the legal tolls chargeable on said road, shall turn off such road, and pass around and avoid any gate on such road, he or she shall forfeit and pay to such company, for every offence, the sum of ten dollars. If any person shall forcibly pass any toll-gate on any such road, without having paid the legal toll, without the permission of the toll collector, he or she shall forfeit and pay to such company owning such road, the sum of twenty-five dollars for each offence. All penalties and forfeitures incurred under this act may be recovered by action of debt in any court having cognizance thereof, and where the penalty or forfeiture does not exceed the sum of one hundred

General applica-
tion of provisions
of this act.

Proviso.

Penalty:

Amount.

How recovered.

dollars, the same may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be committed. All and any suits arising under this act, or the act to which this is amendatory, may be brought and prosecuted to judgment in the name assumed by any such plank road company, as the name and style thereof may be set forth in their articles of association.

This act to be in force from and after its passage.

APPROVED Feb'y 1, 1851.

In force Feb. 4, 1851. AN ACT to amend an act entitled "An act to authorize certain records to be transcribed," approved January 20, 1849.

Compensation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Schuyler county, Illinois, be and they are hereby authorized to fix the compensation of the commissioners who may be appointed under the provisions of the act to which this is an amendment, at any reasonable sum which they, in the exercise of a sound discretion, may deem proper to allow said commissioners: *Provided*, that such compensation shall not exceed the compensation now allowed by law to county recorders, for recording deeds and other evidences of title, any thing in the law to which this an amendment to the contrary notwithstanding.

Proviso.

Brown county.

§ 2. All the powers and privileges conferred by this bill or the act to which this is an amendment, upon the county court of the county of Schuyler, be and the same are hereby as fully conferred upon the county court of the county of Brown.

§ 2. This act to take effect and be in force from and after its passage:

APPROVED February 1, 1851.

In force April 18, 1851.

AN ACT to prohibit the retailing of intoxicating drinks.

Prohibition.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every person who shall, by himself or agent, barter, sell, or exchange any wine, rum, brandy, gin, whisky, or other vinous, spiritous, or mixed liquors, by a less quantity than one quart, or who shall barter, sell, or exchange the said liquors, or any of them, by any quantity, and suffer them to be drank in any

Penalty.

house, tavern, store, grocery, out-house, shed, or other building, occupied by him, her or them, shall, on conviction, be fined for every offence twenty-five dollars. The giving away of any of the aforesaid liquors for the purpose of avoiding the provisions of this act, shall be construed as selling within the meaning of this act.

§ 2. Every person who shall sell or give any of the liquors specified in the first section of this act to any person, under the age of eighteen years, shall, on conviction thereof, be fined for every such offence in any sum not less than thirty dollars, nor more than one hundred dollars. Further penalty.

§ 3. The fines herein provided for may be recovered, either by indictment in any court having jurisdiction of such offence, or by action of debt in the name of the people of the state of Illinois, before any justice of the peace of the proper county. Fines, how recovered.

§ 4. The provisions of this act shall not extend to druggists or physicians who shall sell or give away any of the said liquors in good faith, for purely medical, mechanical, or sacramental purposes. Druggists and physicians excepted.

§ 5. The circuit courts of the several counties in this state shall give, or cause to be given in charge, the provisions of this act to the grand jury at every regular term of the court. Grand jury.

§ 6. All laws and parts of laws authorizing licenses to be granted to keep groceries, or for the sale of vinous, spirituous or mixed liquors, are hereby repealed, and the provisions of this act shall extend to all incorporated cities or towns in this state, any thing in their charters to the contrary notwithstanding: *Provided*, that nothing contained in this act shall affect the rights, privileges or liabilities of persons to whom licenses have heretofore been granted. Acts repealed.

§ 7. All fines collected under the provisions of this act, shall be paid into the proper county treasury, and set apart as a fund for the support of paupers in the county in which the same shall be collected. Fines, how applied.

APPROVED Feb. 1, 1851.

AN ACT to prevent the sale of the public square in the city of Chicago.

In force Feb. 4, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That block No. thirty-nine (39,) in the original town of Chicago, be and the same is hereby dedicated to public uses, as a public common and square.* Dedication.

Sale prohibited.

§ 2. The board of supervisors, and all other county authorities of the county of Cook, and common council of the city of Chicago, are hereby forbidden to sell, mortgage, encumber or convey said block thirty-nine, or any part thereof.

Buildings may be constructed.

§ 3. That nothing in this act contained shall be so construed as to prevent the location of county buildings on said block thirty-nine.

§ 4. This act to be in force and to take effect from and after its passage.

APPROVED Feb. 4, 1851.

In force Feb. 4, 1851.

AN ACT to establish the thirteenth judicial circuit.

Courts.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Kane, De Kalb, Boone and McHenry shall compose a judicial circuit, to be called the thirteenth judicial circuit; and that the circuit courts shall be held at the respective county seats of the said counties, at the times following, to wit: In the county of Kane, on the second Monday in February, May, August and November; in the county of De Kalb, on the first Monday in March and September; in the county of Boone, on the second Monday in March and September; in the county of McHenry, on the third Monday in March, September and January.

Election for judge.

§ 2. There shall be an election holden in the respective counties composing the said judicial circuit, on the first Tuesday in June, A. D. 1851, for the election of a circuit judge; which election shall be conducted and the returns thereof made and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, commissioned and qualified, shall hold his office until the next general election for judges, as provided by the constitution, and until his successor is elected and qualified.

Duty of secretary of state.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, [and the clerks of the county courts of said counties] shall issue notices for said election, to the sheriffs thereof, respectively, notifying the electors of said election; which notices shall be posted up by them in the manner provided by the constitution and laws of this state, for holding general elections therein.

Powers of judge.

§ 4. The said circuit judge, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had, or hereafter to be re-

quired of, or exercised by circuit judges in this state, under the constitution and laws thereof, and shall receive the same compensation, and be liable to the same duties as other judges are entitled to receive and perform by the constitution and laws of this state.

§ 5. The judges now having jurisdiction and exercising Present judges authority within said circuit, as above established, shall hold and exercise such jurisdiction and authority, until the judge in this act provided for shall have been elected and qualified.

§ 6. No grand jury shall be selected or summoned to attend the circuit courts required to be held in the county of Kane, in the months of May and August; nor in the county of McHenry, in the months of March or September; nor shall any criminal causes be docketed for trial at said terms; but all criminal cases pending in said courts shall stand for trial at the succeeding terms thereof: *Provided*, that if any person shall be confined in the jail of either of said counties, at the time of holding said courts, for any indictable offence, the court shall try such persons in the same manner as at any other term of the court; and the court shall have power to cause a grand jury to be empaneled at said terms, to inquire into the cases of all persons confined in jail, as aforesaid; and, upon indictment found, to proceed thereon as at any other term of said court. Grand jury, not to be summoned.

§ 7. All writs and process which may have been, or may be issued and made returnable to the terms of courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act, and all notices which may have been given, either by publication, or otherwise, with reference to the terms as heretofore required to be held; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said courts. Return of writs, &c.

§ 8. The present state's attorney for the eleventh judicial circuit shall be and remain the state's attorney for the thirteenth judicial circuit, hereby created, until his term of office shall expire, and until his successor shall be elected and qualified. A special election shall be held in the several counties composing the eleventh judicial circuit, on the first Thursday of April next, for a state's attorney for said said circuit; notice of which election shall be given, and the canvassing and return of the votes conducted in the same manner as is now required in general elections for state's attorneys. The person having the highest number of votes shall be the state's attorney for said circuit; shall be commissioned and qualified as such, and shall hold his office until the next general election for state's attorney, as provided by the constitution of this state, and until his successor shall be elected and qualified. State's att'y.
Election in 11th circuit.

Copies to be
transmitted.

§ 9. The secretary of state shall, forthwith, transmit a copy of this act to each of the clerks of the circuit and county courts of the eleventh judicial circuit.

§ 10. This act to be in force from and after its passage.

APPROVED February 4, 1851.

In force Feb. 6, 1851. AN ACT to amend an act entitled "An act to prevent loss to the state by the Macallister and Stebbins bonds," approved February 10, 1849.

Bonds to be sur-
rendered.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon surrender by Macallister and Stebbins of the bonds and other state securities specified in the first section of the act entitled "An act to prevent loss to the state by the Macallister and Stebbins bonds," approved Feb'y 10, 1849, other than those heretofore taken up by the state, or held by persons who have not availed themselves of the provisions of that act, the governor be and he hereby is authorized and required to deliver to said Macallister and Stebbins the balance of the liquidation bonds directed to be issued by the act aforesaid, after retaining a sufficient amount thereof to meet the outstanding liabilities in the hands of persons who have neglected to avail themselves of the provisions of said act, as provided in the second section thereof.

APPROVED February 6, 1851.

In force Feb. 7,
1851.

AN ACT affirming the sale of the Quincy House property.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sale of the Quincy House property, made by the governor of this state, under and by virtue of an act entitled "An act authorizing the sale of the Quincy House property," approved Feb'y 12th, 1849, to Horace F. Ash and Isaac R. Diller, be and the same is hereby affirmed.

APPROVED Feb'y 7, 1851.

Sale to Ash &
Diller confirm-
ed.

AN ACT to suspend the sale of lands owned by the state.

In force Feb. 7,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, all lands owned and held by the state shall be suspended from sale, any thing in the act entitled "An act to provide for the sale of public property and the payment of the public debt," in force March 4th, 1843, to the contrary notwithstanding.

APPROVED February 7, 1851.

Sale of state
lands suspend
ed.

AN ACT to relocate the county seat of Mason county.

In force Feb. 8,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an election shall be held in the county of Mason on the second Monday of March, A. D. 1851, at the usual places of holding elections in said county, for the removal of the seat of justice of said county; at which election the clerks thereof shall open two columns, one for Havana, and one against removal, and shall take and record the vote of each qualified voter for one of the aforesaid places, or against the removal of the seat of justice of said county, as said voter shall direct.

Election to be
held.

§ 2. The same rules shall be observed in conducting said election, and in making returns thereof, and in counting said votes, and in all other things, as shall be required by law in elections for senators and representatives of the General Assembly of this state. The clerk of the county court shall, immediately on receipt of the election returns, in the presence of two justices of the peace, open the election returns, compare them, and certify the same to the county court, and the place having a majority of the legal votes of the county shall be and remain the seat of justice of said county.

Rules to be ob-
served.

§ 3. No point shall be voted for unless its proprietors, or some of them, shall, at least ten days previous to said election, execute a bond, with good and sufficient security, to the judges of the county court of Mason county, for the payment of the sum of one thousand dollars, payable to said county judges, or their successors in office, for the use of the county, to be applied to the erection of public buildings—one half of said sum of money to be paid when the public buildings are commenced, and the other half when said buildings are completed: *Provided, however,* that said bond or bonds shall be void and of no effect as to the pro-

Bonds to be ex-
ecuted.

prietors of all places except that where the county seat shall be located by a majority of the votes polled.

Public offices to be removed, in what case.

Block to be conveyed.

Other remuneration to proprietors of Bath.

§ 4. Should it be found that a majority of the voters of said county of Mason, voting at such election, have voted for the removal of the county seat as aforesaid, it shall be the duty of the county court of said county, as soon as practicable after such election, to cause all the public offices of said county (required to be kept at the county seat) to be removed to the county seat located under this act, and it shall be the further duty of the county court, after such relocation of the county seat, to convey to Kean Mahony and Benjamin H. Gatton the block of lots donated by the original proprietors of the town of Bath, under an act of the General Assembly of the state of Illinois, entitled "An act to locate the county seat of Mason county," approved January 14th, 1843, together with all and singular the tenements and appurtenances thereon and thereto belonging, unto them the said Kean Mahony and Benjamin H. Gatton, their heirs and assigns, forever, in trust for the benefit of the original proprietors of the said town of Bath, under such declaration of trust as may be equitably and justly declared by the said county court, according to the respective interests of said original proprietors of the town of Bath; and it shall be the further duty of the county court of Mason county, in the event of such relocation of the county seat thereof, to make such remuneration to the original proprietors of the town of Bath, for moneys expended in erecting the court-house in said town, as they may deem advisable, and as shall be proven according to law.

§ 5. This act to be in force from and after its passage.
APPROVED February 8, 1851.

In force Feb. 8, AN ACT authorizing the board of supervisors of Tazewell county to levy and collect a special tax to build a jail in said county.

Tax may be levied.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Tazewell county is hereby authorized and empowered to levy and collect a special tax of six thousand dollars, for the purpose of building a jail in said county; three thousand dollars to be levied and collected for the year one thousand eight hundred and fifty-one, and three thousand for the year one thousand eight hundred and fifty-two; and said tax, when so collected, shall be applied for that purpose, and the residue of said money, if any, after completing said jail, to go into the county treasury of said county, for county purposes.

This act to be in force from and after its passage.
APPROVED February 8, 1851.

AN ACT in relation to the penitentiary.

In force Feb. 10.
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inspectors of the penitentiary be and they are hereby authorized to settle with the lessee of the penitentiary, for the improvements made by him, and which they, in their reports to the legislature, recommend to be paid for, and that they issue their certificate in favor of said lessee for the amount so allowed; which said certificate shall be received by the treasurer of this state as so much money paid by said lessee, and the said treasurer shall give his receipt for the same, to apply on any bonus or rent due or to become due from said lessee to the state of Illinois.

Inspector to settle with lessee.

How paid for.

§ 2. The inspectors of the penitentiary are hereby authorized to make such improvement in the penitentiary as is recommended by their reports, or such as they may deem necessary, from time to time, to be made, or for the safe keeping or successful working of the convicts: *Provided, however,* that they shall keep in view the bonus due or to become due from time to time, and that in no case shall they be allowed to draw on the treasury for making such improvements.

Improvements authorized.

Proviso.

§ 3. The guards of the penitentiary are by this [act] declared exempt from doing road labor, during their service as such guards.

Guards, exempt from road labor.

§ 4. This act to take effect from and after its passage.
APPROVED February 10, 1851.

AN ACT to exempt homesteads from sale on execution.

In force July 4,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in addition to the property now exempt by law from sale under execution, there shall be exempt from levy and forced sale, under any process or order from any court of law or equity in this state, for debts contracted from and after the fourth day of July, A. D. 1851, the lot of ground and the buildings thereon occupied as a residence, and owned by the debtor, being a householder, and having a family, to the value of one thousand dollars. Such exemption shall continue after the death of such householder, for the benefit of the widow and family, some or one of them continuing to occupy such homestead until the youngest child shall become twenty-one years of age, and until the death of such widow; and no release or waiver of such exemption shall

Homestead not to be sold on execution.

be valid unless the same shall be in writing, subscribed by such householder, and acknowledged in the same manner as conveyances of real estate are by law required to be acknowledged.

Exception.

§ 2. But no property shall, by virtue of this act, be exempt from sale for non-payment of taxes on assessments, or for a debt or liability incurred for the purchase or improvement thereof.

Proceedings
when value ex-
ceeds \$ 1,000,
and premises
divisible.

§ 3. If, in the opinion of the creditors or officer holding an execution against such householder, the premises claimed by him or her as exempt are worth more than one thousand dollars, such officer shall summon six qualified jurors of his county, who shall, upon oath, to be administered to them by the officer, appraise said premises, and if, in their opinion, the property may be divided without injury to the interest of the parties, they shall set off so much of said premises, including the dwelling house, as in their opinion shall be worth one thousand dollars, and the residue of said premises may be advertised and sold by such officer.

Proceedings
when premises
are indivisa-
ble.

§ 4. In case the value of the premises shall, in the opinion of the jury, be more than one thousand dollars, and cannot be divided as is provided for in this act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some one of the family of suitable age to understand the nature thereof, with a notice thereto attached, that unless the execution debtor shall pay to said officer the surplus over and above the one thousand dollars, on the amount due on said execution, within sixty days thereafter, that such premises will be sold.

Premises, when
to be sold.

§ 5. In case such surplus, or the amount due on said execution, shall not be paid within the said sixty days, it shall be lawful for the officer to advertise and sell the said premises, and out of the proceeds of such sale to pay to such execution debtor the said sum of one thousand dollars, which shall be exempt from execution for one year thereafter, and apply the balance on such execution: *Provided*, that no sale shall be made unless a greater sum than one thousand dollars shall be bid therefor; in which case the officer may return the execution for the want of property.

Proviso.

Costs, how
charged.

§ 6. The costs and expenses of setting off such homestead, as provided herein, shall be charged and included in the officer's bill of costs upon such execution.

§ 7. This act shall take effect on the fourth day of July, A. D. 1851.

APPROVED February 11, 1851.

AN ACT to authorize the board of supervisors of Cook county to borrow money. In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Cook, and their successors in office, be and they are hereby authorized and empowered to borrow upon the faith and pledge of said county, such necessary sum or sums of money, for any term of time, and at such rate of interest, payable at such place as they may deem expedient, not exceeding fifty thousand dollars, and to issue bonds or scrip therefor, under the seal of the county court of said county, signed by the chairman of said board of supervisors, or by his successor in office, and countersigned by the clerk of said board, or his successor in office: *Provided*, that when any money is borrowed under the authority of this act, the time for the repayment of the same shall be so fixed so that not exceeding five thousand dollars of the principal so borrowed shall fall due in any one year. Any sum or sums borrowed under the authority of this act, shall be applied by the board of supervisors, or their successors in office, for the use and benefit of said county, in the payment of the debts of the said county, and for the purchase of a lot or lots for a jail, and the erection thereof, in and for said county, for the repayment of any sum or sums so borrowed, with the interest upon the same. The said board of supervisors, or their successors in office, are hereby authorized to pledge the revenue accruing to the said county.

Supervisors authorized to borrow money.

To issue bonds.

Proviso.

Money, how applied.

§ 2. The board of supervisors of said county, or their successors in office, are hereby authorized and required to levy and collect a special tax upon all the taxable property in the county of Cook, sufficient to pay the accruing interest semi-annually, on any sum or sums they may borrow under the authority of this act, and to repay the principal as it may become due, at a rate of not exceeding five thousand dollars in any one year. Said taxes shall be levied and collected at the same time and in the same manner that other taxes of said county are levied and collected, and when collected, shall be applied by said board of supervisors, or their successors in office, to the payment of the interest and the repayment of the principal of the money borrowed under the authority of this act, and to no other use or purpose whatsoever, until the whole of the money so borrowed is paid up in full; and the persons loaning money to said county as aforesaid are to be in no way responsible for the faithful application or use of the money thus borrowed.

Special tax.

APPROVED February 11, 1851.

In force Feb. 11, AN ACT to create the county of Gallatin out of the counties of Gallatin and Saline.

'51, except secs.
1, 2, which take
effect Apr 1 28.
Gallatin and
Saline abolish-
ed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the counties of Gallatin and Saline, in this state, shall be and the same are hereby abolished.*

New county of
Gallatin form-
ed.

§ 2. All that territory now embraced in the said counties of Gallatin and Saline shall compose hereafter one new county, to be styled and known as the *county of Gallatin*.

County seat es-
tablished.

§ 3. The county seat of said new county of Gallatin is hereby permanently located at Equality, in said county.

Election for co.
officers.

§ 4. On the second Monday in April next, an election shall be held at all the precincts established in the said counties of Gallatin and Saline, as heretofore existing, for all the county officers, who, by the constitution and laws of this state, are authorized or required to be elected in the several counties thereof, except justices of the peace and constables, for said new county of Gallatin; and the said election shall be conducted by the same officers and in the same manner, in each of the said counties, as other elections. The clerks of the county courts of said counties shall cause the same notice to be given of said election as is required in other elections for county officers. The returns of said election shall be made to the clerk of the county court of Gallatin county, in the same time returns are required to be made in other elections for county officers. The said clerk of the county court of Gallatin county shall open said returns, and make such certificates and records of the result thereof, as is required by law in general elections. The officers so elected shall hold their offices until the next general election for county officers, and until their successors are duly elected and qualified, and shall give bonds and qualify at the same time and in the same manner as county officers elected at a general election. All justices of the peace and constables in each of said counties shall be considered and have jurisdiction as justices of the peace for said new county, during the time for which they shall have been elected.

How conducted.

Justices of the
peace to con-
tinue in office.

§ 5. The said new county hereby created shall succeed to all the rights and liabilities, in every respect whatever, of both said counties hereby abolished, and all suits may be maintained in behalf of or against said county which could have been maintained against or in favor of either of the counties hereby abolished.

Old sheriffs to
collect taxes

§ 6. The sheriffs of said counties of Gallatin and Saline are hereby authorized and required to collect all taxes due to the state and county in said county, until the same is fully completed, and shall account for and make settlement and pay over the county taxes to the proper officers of the new county of Gallatin, and also of the state, at the

same times and in the same manner as other sheriffs are required to account and pay over.

§ 7. The treasurer of said new county of Gallatin shall pay all orders issued by said counties of Saline and Gallatin, before the organization of the new county, in the same manner as if they had been issued by said new county.

Duty of treasurer of new county.

§ 8. All the records and papers of the circuit courts in said counties of Gallatin and Saline shall be delivered to the clerk of the circuit court of said new county. All suits pending in said circuit courts shall be considered and proceeded in as suits pending in the circuit court for said new county to final judgment and execution.

Records and papers of circuit courts.

§ 9. The clerk of the circuit court in said new county of Gallatin shall issue executions on all judgments remaining unsatisfied in the circuit courts of both said counties hereby abolished, in the same manner as if said judgments had been rendered in the circuit court for said new county, and nothing in this act contained shall in anywise affect the lien of any judgment rendered in the circuit court of either of the counties hereby abolished.

Suits to be proceeded with in new county.

§ 10. The records and papers of the county courts of each of said counties shall be delivered to the clerk of the county court of said new county, and shall be treated and considered, in all respects, as if the same were the records and papers of the county court of said new county, and all such proceedings may be had before the several officers of the new county hereby created, as might have been had before or by the like officers of each of the counties hereby abolished.

Executions on judgments rendered in old counties.

Records of county courts.

§ 11. The said new county of Gallatin is hereby added to the twelfth judicial circuit, in the place of the counties of Gallatin and Saline, and circuit courts shall be held in and for said new county by the judge of said circuit, at the court-house in Equality, on the Mondays following the circuit court in the county of Hamilton, as prescribed by the act creating the twelfth judicial circuit, and fixing the times of holding courts therein.

New county added to 12th circuit.

Time of court.

§ 12. The public buildings erected in the said county of Saline, and in the town of Shawneetown, in Gallatin county, shall be conveyed by the county courts of the counties in which they lie, in such manner as may best indemnify the persons at whose expense they have respectively been created.

Public buildings, how disposed of.

§ 13. The first and second sections of this act shall take effect from and after the fourth Monday of April next, and the remainder thereof from and after its passage.

When in force.

APPROVED February 11, 1851.

In force Feb. 11, 1851. AN ACT changing the time of holding courts in the third judicial circuit.

Time of holding courts. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts in the third judicial circuit shall be begun and held at the times hereinafter mentioned, to wit: In the county of Hardin, at Elizabethtown, on the first Mondays of April and the second Mondays in August; in the county of Pope, at Golconda, on the Mondays following; in the county of Johnson, at Vienna, on the Mondays following; in the county of Williamson, at Marion, on the Mondays following; in the county of Franklin, at Benton, on the Mondays following; in the county of Jackson, at Murphysboro, on the Mondays following; in the county of Union, at Jonesborough, on the Mondays following; in the county of Alexander, at Thebes, on the Mondays following; in the county of Pulaski, at North Caledonia, on the Mondays following; in the county of Massac, at Metropolis City, on the Mondays following, and to continue in the last mentioned county indefinitely, until the business therein shall be disposed of.

Writs, subpoenas, &c., made returnable to terms fixed by this act. § 2. All writs, subpoenas, and other process, which may have been or may be issued and made returnable to the terms of courts in said circuit as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act refer to the terms of courts as required to be holden under this act, and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

Acts repealed. § 3. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED February 11, 1851.

In force Feb. 11, 1851. AN ACT to establish the county of Kankakee, and for other purposes therein named.

The county of Kankakee established. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all those portions of the county of Will and Iroquois, lying within the following boundaries, to wit: commencing at the northeast corner of fractional township thirty-two north, range

fifteen east, and running thence west on the north line of township thirty-two north, and range fifteen, fourteen, thirteen, and twelve east, to the north-east corner of township thirty-two north, range eleven east; thence south on the township line, three miles; thence west six miles, to the township line; thence south on the west line of range eleven east and fourteen west, to the centre of the west line of township twenty-nine north, range fourteen west; thence east, to the Indiana state line; thence north, on said line, to the place of beginning, be and the same are hereby created into a new county, to be called the county of Kankakee: *Provided*, that a majority of the voters of each of said counties of Will and Iroquois, voting upon the question, shall consent thereto, in the manner hereinafter prescribed.

§ 2. The qualified voters of said counties of Will and Iroquois may, at a special election, to be held in the several precincts or towns of said counties, on the first Tuesday in April next, vote for or against the organization of said new county of Kankakee, by ballot, upon which shall be written, or printed, or partly written and partly printed, "For the new county" or "Against the new county."

§ 3. The county clerks of the counties of Will and Iroquois shall give notice of said election, in the several election districts of said counties, in the same manner as notices of general elections are given, as nearly as may be, and the judges of election and the clerks of the said several election districts of said counties of Will and Iroquois, shall keep a list of the votes polled at said election, and certify to and return the same to the clerks of the county courts of their respective counties, in the same manner as is provided for general elections. The said clerks shall, within seven days after said election, proceed to canvass the said vote in the same manner as in general elections, and the said clerk of Iroquois county court shall make return of the votes of said Iroquois county to Baldwin Hawkins and Orson Beebe of said county; and the clerk of the county court of Will county shall make return of the votes of said Will county to Noel Vasseur and William A. Chatfield, of Will county, in each case within three days after the same have been canvassed, and each of said clerks shall, also, within ten days, make return of said votes to the secretary of state.

§ 4. If it shall be found that a majority of all the voters in each of said counties of Will and Iroquois, voting upon the question, have voted in favor of the organization of said new county of Kankakee, then there shall be held a special election in the several precincts and towns within the limits above described, for said new county of Kankakee, on the second Monday of May next, for county officers. Said election shall be conducted by the judges then holding office

Boundaries.

Proviso.

Election to be held.

Duty of county clerks.

Returns to be made.

In case new county is formed, election for officers to be held.

How conducted.	under appointment from the counties of Will and Iroquois, and at the usual places of holding elections ; at which election the qualified voters of said county of Kankakee shall elect all county officers for said county, (except such as are hereinafter excepted) who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and shall hold said offices until the next
Tenure of offices	general election for such officers, and until their successors are elected and qualified, and shall have all the jurisdiction and perform all the duties which are or may be conferred upon or required of similar officers in other counties of this state.
Justices of the peace to continue in office.	§. 5. Robert Hill, a justice of the Iroquois county court, and all justices of the peace and constables who have been heretofore elected and qualified in the counties of Will and Iroquois, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of said county of Kankakee, shall continue to hold their said offices, and exercise the jurisdiction and perform the duties thereof, until their term of office shall expire, and until their successors shall be elected and qualified. Immediately after said election, the clerk of the county court of Kankakee county shall notify the clerk of the county court of Iroquois county of the
Special election in Iroquois county.	same, and the office of the said Robert Hill shall thereupon be declared vacant, and an election ordered to fill such vacancy in Iroquois county, in the same manner as other vacancies are filled.
Township organization.	§ 6. The voters at said election for county officers, shall also vote upon the question of township organization, and the same shall be conducted and returns thereof made, in all respects, as near as may be, in accordance with the laws then in force on that subject, and if it shall be found that a majority of all the voters of said county, voting at said election, shall have voted for township organization, it shall be the duty of the county court of said Kankakee county to proceed to lay off said county into townships, and shall order a town meeting to be held at such time as said
Township officers.	county court may deem proper, and the officers then elected shall hold their offices until the next general election for such officers, and until their successors are elected and qualified :
Proviso.	<i>Provided</i> , that in cases where justices of the peace and constables have been elected within the limits of such towns, before the division of said county of Kankakee into towns, and whose term of office shall not then have expired, and whose residence shall be in any of such towns, such justices and constables shall continue in said offices as provided in this act, and only such additional justices and constables shall be elected in said towns as may be necessary to sup-
County justices to become township justices.	

ply deficiencies ; and the said county shall become subject to all the laws in force at that time, or to be enacted thereafter, on the subject of township organization. But in case it shall be found that said county shall not have adopted township organization, then said county shall be subject to all the laws of this state in force where such organization has not been adopted.

§ 7. For the purpose of fixing the permanent county seat of said county of Kankakee, the voters of said county shall, at said election for county officers, vote for some place, to be designated upon their ballots, for county seat. Upon said ballots shall be written or printed, or partly written and partly printed, "For county seat, —————," after which words shall be written or printed the name of the place intended. The place receiving a majority of all the votes polled upon that question, shall be the county seat of said Kankakee county, but if no one place shall receive a majority of all the votes polled upon that question, then it shall be the duty of the county court of said county to call another election within thirty days thereafter, at the several places of holding elections in said county; at which time the voters of said county shall select and vote for one of the two places having the highest number of votes on the former election, and the place having the majority of all the votes given, shall be the permanent county seat of said Kankakee county.

How chosen.

Second election, in what event held.

§ 8. Notices of said election for county officers shall be given by said William A. Chatfield, Orson Beebe, Noel Vasseur and Baldwin Hawkins, or any two of them, in the same manner as notices of general elections are given by the clerks of the county courts. Said notices shall also specify that a vote will be taken on township organization, and the location of the county seat.

Notice of election, by whom given.

§ 9. Returns of said election shall be made to Thomas Durham of Bourbonnais Grove, within five days after said election ; and the said Thomas Durham, and two justices of the peace of said county of Kankakee, shall, within seven days after said election, proceed to open the poll-books, and shall canvass and make returns thereof in the same manner as is required of clerks and justices of the peace, under existing laws.

Returns, to whom made.

How canvassed.

§ 10. All suits and prosecutions that have been or may be commenced in said counties of Will and Iroquois, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Kankakee, shall not be effected by this act ; but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of Will and Iroquois ; and the officers of said counties of Will and Iroquois are hereby authorized to execute all

Suits, &c., not to be affected.

writs that may be necessary for the completion of said suits and prosecutions within the limits of said county of Kankakee, and all judgments that may have heretofore been obtained or that may hereafter be obtained under the provisions of this section, shall have the same lien upon all property within the limits of said county of Kankakee, as though the said territory had not been erected into a separate county.

Notice to circuit courts.

§ 11. As soon as the county officers shall have been elected and qualified, the said county of Kankakee shall be considered organized, and the clerk of the circuit court shall give notice to the judge of the eleventh judicial circuit, who shall hold court at such place as shall be designated by the county court of said county, until the county seat is located as herein provided for. Said court shall be held at such times as said judge shall direct, until otherwise provided by law.

Courts, where and when held.

School funds.

§ 12. The school funds belonging to the several towns embraced in the limits of said county of Kankakee, shall be paid and delivered over by the school commissioners of the counties of Will and Iroquois, to the school commissioners of the said county of Kankakee, so soon as he shall be elected and qualified.

Commissioner.

§ 13. That the county court of said county of Kankakee, or the board of supervisors, if said county should adopt township organization, may, [at] any term of said court or meeting of said board, by an order of said court or board, to be entered upon their records, appoint some competent person a commissioner, for the purpose hereinafter expressed, who shall take an oath of office before the clerk of the county court, or some justice of the peace of said county. Said county court or board of supervisors shall, at the same time, provide a sufficient number of blank books, and deliver the same to said commissioner, who shall receipt for the same to the clerk of the county court.

Duty of commissioner.

§ 14. As soon as said book or books shall be delivered to said commissioner, he shall record in each book a copy of the order of his appointment, and of his oath of office, and shall thereupon proceed to transcribe into such book or books all such deeds, mortgages and title papers of every description, with the acknowledgments and certificates relating thereto, of lands lying in the county of Kankakee, which have been recorded, or may hereafter, before the organization of said county of Kankakee, be recorded in the recorders' offices of said counties of Will and Iroquois; and there shall be allowed to said commissioner such sum for his services as said court or board of supervisors shall deem just, to be paid out of the county treasury. Said commissioner shall note, at the end of each paper by him

His compensation.

transcribed, the book, page and county from which the same was transcribed.

§ 15. When said commissioner shall have completed his work, he shall make return of his said books to the circuit clerk of said Kankakee county, and they shall be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the said county of Kankakee, and copies of said papers, certified by the recorder of said county, shall be evidence in all courts and places, in the same manner that deeds and title papers, regularly recorded in the recorder's office, are evidence, and with the same effect.

Effect of records transcribed by commissioners.

§ 16. The secretary of state shall forthwith furnish the county clerks of the counties of Will and Iroquois with a copy of this act.

Duty of secretary of state.

§ 17. This act shall be in force from and after its passage.

APPROVED February 11, 1851.

AN ACT to provide for township organization.

In force April 1, 1851.

ARTICLE FIRST.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at any general election that may be holden in the several counties in this state, the qualified voters in any county may vote for or against township organization in any county in this state.

Township organization, how adopted.

§ 2. The county court, on petition of fifty legal voters of said county, shall cause to be submitted to the voters of the county, the question of township organization under this act, by ballot, to be written or printed, or partly written or partly printed, "For township organization," or "Against township organization," to be canvassed, and returned in like manner as votes for state and county officers.

Question of organization, when submitted.

§ 3. The clerks of the county court shall enter an abstract of the returns of said election, to be made out and certified as in elections for state and county officers, record the same at length upon the record of the county court of the county, and shall certify the same to the auditor of public accounts.

Clerk to make returns.

§ 4. If it shall appear by the returns of said election that a majority of the legal voters of said county are for township organization, then the county so voting in favor of its adoption shall be governed by and subject to the provisions of this act on and after the first Tuesday of April next

Majority of legal voters required.

Provi. o

succeeding: *Provided*, that a majority of the voters voting at such election shall be taken and deemed a majority of the voters of said county.

Commissioners.

§ 5. The county court shall, at its next session, appoint three commissioners, residents of the county, to divide the county into towns or townships, and the said commissioners' services shall be audited by the first board of supervisors, and paid by the county.

Towns, how created.

§ 6. The commissioners shall proceed to divide such county into towns, by making as many towns as there are townships, according to government surveys. Where fractions of townships are caused by the county lines not being in accordance with the surveyed townships, then the commissioners may attach such fractions to adjoining towns, where the number of inhabitants or the amount of territory shall not be sufficient for a separate town. Where a surveyed township shall have too few inhabitants for a separate organization, then such township may be added to some adjoining town, or such township may be divided between two or more towns for the time being. And when creeks or rivers may so divide such townships as to be inconvenient for transacting town business, then such creek or river may be made the town boundary, and the town fractions so formed may be disposed of as fractions caused by county lines.

Names of towns.

§ 7. Towns shall be named in accordance with the express wish of the inhabitants of the town, and if there shall not be a degree of unanimity as to the name, the commissioners may designate the name.

Commissioners to report.

§ 8. The commissioners so appointed shall make a written report of their proceedings, giving the names and bounds of each town, and present such report to the clerk of the county court, on or before the first day of March next succeeding.

Notices of town meeting.

§ 9. The clerk of the county court shall thereupon make out notices for each town, designating a suitable place for holding the first town meeting in such town, which shall be holden on the first Tuesday of April next thereafter, and shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in not less than three of the most public places of the township, and not less than fifteen days before the first Tuesday in April aforesaid.

Clerk to send abstract to auditor.

§ 10. Each clerk of the county court shall, within thirty days after receiving such report of the commissioners, transmit, by mail, to the auditor of public accounts of this state, an abstract of such report, giving the bounds of each town, and the names designated; and said clerk shall record, in a book for the purpose, a description of each town, as fully as the report of the said commissioners.

Description to be recorded.

§ 11. If the auditor of public accounts, on comparing the abstracts of the reports from the several counties, shall find that any two or more townships have names alike, he shall transmit to the clerk of the county court of the county or counties which have to alter the name or names of such town or towns, and the board of supervisors of such county shall, at its next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this act shall be named alike, and when such name shall be adopted, the clerk of the county court shall inform the auditor of public accounts, as before directed.

No two towns to have the same name.

§ 12. The auditor of public accounts shall make a record of the names and boundaries of the several towns organized under this act.

Auditor to make record.

ARTICLE SECOND.

Of the rights, powers and liabilities of towns as bodies corporate—Rights and liabilities of towns.

§ 1. Each town as a body corporate has capacity—

1st. To sue and be sued, in the manner prescribed in the laws of this state.

Power to sue, &c.

2d. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the power of the general assembly.

Purchase lands.

3d. To make such contracts, purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers.

Make contracts.

4th. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its inhabitants.

Regulate property.

§ 2. No town shall possess or exercise any corporate powers, except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or granted.

Powers prohibited.

Suits against towns.

§ 3. All acts or proceedings by or against a town, in its corporate capacity, shall be in the name of such town, but every conveyance of lands within the limits of such town, made in any manner, for the use or benefit of its inhabitants, shall have the same effect as if made to the town by name.

Legal proceedings.

ARTICLE THIRD.

Of Town Meetings.

§ 1. The citizens of the several towns of this state, qualified by the constitution to vote at general elections, shall annually assemble and hold town meetings in their respective towns, on the first Tuesday of April, at such place in each town as the electors thereof, at their annual town meetings, shall from time to time appoint; and notice of the time and place of holding such meeting shall be given by the town clerk, by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting.

Time of town
meetings.

Town Officers.

§ 2. There shall be chosen, at the annual town meeting in each town, one supervisor, one town clerk, one assessor, one collector, one overseer of the poor, three commissioners of highways, two constables, two justices of the peace, as many overseers of highways as there are road districts in the town, and so many pound-masters as the electors may determine: *Provided*, that justices of the peace and constables shall be elected only once in four years, except to fill vacancies, and such justices and constables shall be successors to precinct justices and constables: *Provided, further*, that any town having eight hundred or more legal voters shall be entitled to elect one additional supervisor.

Officers to be
elected.

Proviso.

Additional pro-
viso.

Fence Viewers.

§ 3. The assessor and commissioners of highways elected in every town shall, by virtue of their office, be fence viewers of such town.

Ex officio fence
viewers.

Powers of Electors at Town Meetings.

§ 4. The electors of each town shall have power, at their annual town meetings—

Power of voters.

1st. To determine the number of pound-masters, and the locality of pounds.

2d. To elect such town officers as may be required to be chosen.

3d. To direct the institution or defence of suits at law or in equity, in all controversies where such town shall be interested.

4th. To direct such sum to be raised in such town, for prosecuting or defending such suit, as they may deem necessary.

5th. To make rules, regulations for ascer'aining the sufficiency of all fences in such towns, and for impounding animals.

6th. To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep or goats shall be permitted to go at large.

7th. To impose such penalties on persons offending against any rule or regulation established by such town, except such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offence.

8th. To apply such penalties, when collected, in such manner as they may deem most conducive to the interest of such town.

§ 5. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided for. They shall be held when the supervisors, town clerk and justices of the peace, or any two of them, together with at least twelve other freeholders of the town, shall, in writing, file in the office of town clerk a statement, that a special meeting is necessary to the interest of the town; and the town clerk, or, in case of his absence, the supervisor shall post up notices in five of the most public places in the town, giving at least ten days' notice of such special town meeting, and such meeting shall act on no subject that shall not be specified in the notice calling such meeting.

Special town meetings.
When called.
Powers of

ARTICLE FOURTH.

Of the method of conducting Town Meetings.

§ 1. The electors present, at any time between the hours of nine and ten o'clock in the forenoon of the day on which there is an annual or special town meeting, shall be called to order by the town clerk, if there be one; in case there be none, or he is not present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such town meeting.

Town meetings,
how conducted

§ 2. The town clerk last before elected or appointed, shall be the clerk of the town meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meetings.

Who to be clerk

Clerk pro tem.

§ 3. If the town clerk be absent, then such person as shall be chosen for that purpose by the electors present shall act as clerk of the meeting.

Clerk pro tem.

Town meetings,
how long to be
kept open.

§ 4. Town meetings shall be kept open from the time of opening in the morning until the setting of the sun, unless the voters present may by vote adjourn one hour, from twelve till one o'clock.

Motions, how
decided.

§ 5. All questions upon motions made at town meetings shall be determined by the majority of the electors voting; and the officer presiding at said meeting shall ascertain and declare the result of the votes upon each question.

Challenge of Voters.

Persons chal-
lenged to take
oath.

§ 6. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be challenged as an unqualified voter, the presiding officer shall proceed thereupon in like manner as the judges at general elections are required, adapting the oath to the circumstances of the town meeting.

Qualification of voters.

Qualification of
voters.

§ 7. No person shall be a voter at any town meeting unless he shall be qualified to vote at general elections and has been for the last thirty days an actual resident of the town wherein he shall offer to vote.

Minutes of proceedings.

Clerk to keep
minutes.

§ 8. The minutes of the proceedings of every town meeting, subscribed by the clerk of said [meeting,] and by the presiding officer, shall be filed in the office of town clerk, within two days after such town meeting.

ARTICLE FIFTH.

Proclamations.

§ 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the town clerk, and proclamation shall in like manner be made of each adjournment, and of the opening and closing of the polls, until the election is ended.

Voting, manner
of.

§ 2. The supervisor, town clerk, assessor, overseer of the poor, collector, commissioners of highways, constables and justices of the peace, shall be chosen by ballot; all other officers shall be chosen either by ballot, by yeas and nays, or by dividing the electors, as the electors of the meeting may determine.

Ballots, how
folded.

§ 3. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be deliv-

ered to the presiding officer so folded as to conceal the contents.

§ 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received. Poll list.

§ 5. When the election is by ballot, the presiding officer shall deposite the ballots in a box provided for that purpose. Ballot box.

§ 6. At the close of every election by ballot, the presiding officer shall proceed publicly to canvass the votes; which canvass, when commenced, shall be continued, without adjournment or interruption, until the same be completed. Canvass of votes.

§ 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such persons as shall have the greatest number of votes shall be declared to be elected. If, on opening the ballots, two or more ballots shall be found to be so folded that it shall be apparent that the same person voted them, the presiding officer shall destroy such votes immediately. Canvass. how made. Double votes to be destroyed.

Result to be entered by clerk.

§ 8. The canvass being completed, a statement of the result shall be entered at length, by the clerk of the meeting, in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of the election, to every person whose name shall have been entered on the poll list as a voter. Result to be entered on minutes.

Notice to officers elect.

§ 9. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, a notice of his election. Notice given to persons elected.

ARTICLE SIXTH.

§ 1. No person shall be eligible to any town office, unless he shall have been one year a resident of such town. Qualification for office.

To take oath.

§ 2. Every person chosen to the office of supervisor, town clerk, assessor, overseer of the poor, and commissioner of highways and collector, before he enters upon the du- Oath of office.

ties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace, such oath or affirmation of office as is prescribed by law.

And file certificate.

Certificate.

§ 3. Such person shall, within eight days thereafter, cause such certificate to be filed in the office of town clerk.

Neglect to.

Effect of neglect

§ 4. If any person chosen or appointed to either or any of the town offices above enumerated, shall neglect to take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve.

Acceptance to be signified.

Notice of acceptance.

§ 5. Every person chosen or appointed to the office of overseer of highways or pound-masters, before he enters on the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall cause to be filed in the office of town clerk, a notice signifying his acceptance of such office. A neglect to cause such notice to be filed shall be deemed a refusal to serve.

Collector to file bond.

§ 6. Every person chosen or appointed to the office of collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the supervisor of the town, and his successor in office, and lodge with him a bond, with one or more sureties, to be approved by such supervisor in double the amount of such taxes, conditioned for the faithful execution of his duties as such collector.

Bond to be lien on real estate.

§ 7. The supervisor shall, within six days thereafter, file such bond, with his approval indorsed thereon, in the office of the recorder, who shall make an entry thereof in a book to be provided for the purpose, in the same manner in which judgments are recorded, and every such bond shall be a lien on all the real estate, severally, of such collector within the county at the time of the filing thereof, and shall continue to be such lien until its conditions, together with all costs and charges which may accrue by the prosecution thereof, shall be fully satisfied.

Constables to take oath and file bond.

§ 8. Every person chosen to the office of constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute, in the presence of the supervi-

sor or town clerk of the town, with one or more sureties, to be approved of by such supervisor or town clerk, an instrument in writing, which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, on account of any executions which shall be delivered to him for collection, by virtue of his office. Conditions.

§ 9. The supervisor or town clerk shall, if approved, To be approved. indorse such approval on such instrument, which shall be his approval of the sureties therein named, and then shall cause the same to be filed in the office of the town clerk, and a copy of such instrument, certified by the town clerk, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties.

§ 10. All actions against a constable or his sureties, upon such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected or appointed. Limitation of actions.

§ 11. If any person, chosen or appointed to the office of collector or constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. Effect of neglect to take oath, &c.

§ 12. If any person, chosen or appointed to the office of supervisor, town clerk, assessor, commissioner of highways or overseers of the poor, shall refuse to serve, he shall forfeit to the town the sum of twenty-five dollars. Penalty for refusing to serve.

§ 13. If any person, chosen or appointed to the office of overseer of highways or pound-masters, shall refuse to serve, he shall forfeit to the town ten dollars. Penalty against overseers and poundmasters.

§ 14. If any town officer, who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the town the sum of fifty dollars. Penalty for acting before oath filed.

§ 15. Town officers, except justices of the peace and constables, shall hold their office for one year, and until others are chosen or appointed in their places and are qualified. The justices of the peace and constables shall hold their offices for four years, or until others are chosen and qualified. Tenure of offices.

ARTICLE SEVENTH.

Vacancies in town offices, and the manner of filling them.

§ 1. If any town shall neglect, at its annual town meeting, to choose its proper town officers, or either of them, for any vacancy occurring, it shall be lawful for the justices of the peace, together with the supervisor and town clerk, or Vacancies, how filled.

by warrant under their hands and seals, to appoint such officers, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; and in case any town in any county wherein township organization has been adopted, or shall hereafter be adopted, shall refuse or neglect to organize for the election of officers, the board of supervisors may annex said town to any adjoining town, and the said town so annexed shall hereafter form and constitute a part of said adjoining town.

Warrant of ap- § 2. The justices and supervisors or town clerk making
pointments to such appointment, shall cause such warrant to be forthwith
be filed. filed in the office of the town clerk, and forthwith give notice to each person appointed.

Resignations. § 5. The justices of the peace of a town may, for sufficient cause shown to them, accept the resignation of any town officer of their town, and whenever they shall accept any such resignation, they shall forthwith give such notice thereof to the town clerk of the town.

ARTICLE EIGHTH.

Duties of moderator. § 1. The moderator chosen by the electors to preside at the annual or special town meeting, shall regulate the business and proceedings thereof, and shall decide all questions of order, and shall make public declaration of all votes passed. When any vote so declared by him shall, upon such declaration being questioned by one or more of the electors present, he shall make the vote certain by causing the voters to rise and be counted or by dividing off.

Disorderly persons, how dealt with. § 2. If any person shall conduct in a disorderly manner, and after notice from the moderator, shall persist therein, the moderator may order him to withdraw from the meeting, and on his refusal, may order a constable or other person to take him from the meeting and confine him in some convenient place, until the meeting shall adjourn, and the person so refusing to withdraw shall, for such offence, further forfeit a sum not exceeding ten dollars, for the use of the town.

Moderator to be fined for exposing ballots. § 3. If any moderator shall, at any town meeting, before the poll is closed, read or examine, or permit any person to read or examine the names on any voter's ballot, with the view of ascertaining any candidate voted for by him, such moderator shall forfeit to the use of the town the sum of twenty-five dollars.

Oath to be taken by moderator. § 4. Before the moderator, or the presiding officer of any town meeting, shall enter upon the duties of his office, he shall take an oath faithfully and impartially to discharge

the duties of such office ; which oath may be administered by the town clerk or other proper officer.

ARTICLE NINTH.

§ 1. The supervisor of each town shall receive and pay over all moneys raised therein, for defraying town charges, except those raised for the support of highways and bridges. Said supervisor shall give bond, with one or more sureties, conditioned for the faithful discharge of his duties in relation to the town revenue. Such bond to be approved by the town clerk, and filed in his office, with such approval indorsed thereon. Whenever the town clerk shall ascertain that such bond has been forfeited, he shall institute suit, in the name and for the use of the inhabitants of the town, against such supervisor. Supervisors to give bond.

§ 2. He shall prosecute, in the name of his town or otherwise, as may be necessary, for all penalties of fifty dollars and under, given by law to such town, or for its use, and for which no other officer is specially directed to prosecute ; and no person shall be disqualified from being a witness or juror in such suit, by reason of his being an inhabitant of said town. When suit to be brought.

§ 3. He shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to provided for that purpose, at the expense [of the town,] and said books to be delivered to his successor in office. Supervisors to bring suits in certain cases.

§ 4. On Tuesday preceding the annual town meeting, he shall account with the justices of the peace and town clerk of the town, or a majority of them, for the disbursement of all moneys received by him, in his official capacity. To keep acct's.

§ 5. At every such accounting the justices and town clerk, or a majority of them, shall enter a certificate in the supervisor's office book of accounts, showing the state of his accounts at the date of the certificate. To settle.

§ 6. The supervisor of each town shall attend the annual meeting of the board of supervisors of the county, and at every adjourned or special meeting of said board, of which he shall have notice. Certificate.

§ 7. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of town auditors, at or before their annual meeting. Supervisors to attend meetings of board.

§ 8. He shall lay before the board of supervisors such copies of entries concerning moneys voted to be raised in his town, as shall be delivered to him by the town clerk. To receive accounts, &c.

§ 9. If any supervisor shall refuse or shall wilfully neglect to perform any of the duties of his office contained in the preceding section, he shall forfeit to the town the sum of fifty dollars, and be disqualified to act as the supervisor of said town. Further duties

Penalty for neglect.

ARTICLE TENTH.

- Town clerk to have custody of records, &c. § 1. The town clerk of each town in this state shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths, and other papers required by law to be filed in his office.
- To enter minutes, &c. § 2. He shall transcribe in the book of records of his town, the minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order or direction, and all rules and regulations by any such town meeting.
- To deliver to supervisor copies of certain entries, &c. § 3. He shall deliver to to the supervisor, before the annual meeting of the board of supervisors of the county, in each year, certified copies of all entries of votes for raising money, made since the last meeting of the board of supervisors, and recorded in the town book.
- To return the names of justices and constables. § 4. The town clerk, immediately after the election or appointment of any justice of the peace, or the qualifying of any constables elected or appointed in their respective towns, shall return to the county clerk of their respective counties the names of such justices and constables.
- Penalty for omission. § 5. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.
- Certified copies records to be evidence. § 6. Copies of all papers duly filed in the office of the town clerk and transcripts from the book of records, certified by him, shall be evidence in all courts, in like manner as if the originals were produced.

ARTICLE ELEVENTH.

- Board of auditors. § 1. In each town the supervisors, town clerk and justice of the town shall constitute a board of auditors to examine the accounts of the overseers of the poor and the commissioners of highways for such town, for moneys received and disbursed by them.
- Their duties. § 2. The board of auditors of town accounts shall meet for the purpose of examining the same annually, in each town in the state, on the Tuesday preceding the annual town meeting to be held in such town.
- Accounts to be filed. § 3. The accounts so audited [shall] be delivered, with the certificate of the auditors, or a majority of them, to the town clerk, to be by him kept on file for the inspection of any of the inhabitants of the town. They shall also be produced by the town clerk at the next annual meeting, and shall be there read by him.
- Charges against towns. § 4. The board of auditors, composed of the same officers then in office, shall, at the same time and place as in section two, examine and audit all charges and claims against

their respective towns, and the compensation of all town officers, except supervisors, for county services.

§ 5. The said board shall make a certificate, to be signed by a majority of said board, specifying the nature of the claim or demand, and to whom the amount is allowed, and shall cause said certificate to be delivered to the town clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of said town, and the aggregate amount shall be delivered to the supervisor, to be by him laid before the board of supervisors, at their annual meeting. The board of supervisors shall cause the amount of said charges to be levied upon the property of said town, and collected as other taxes are levied and collected. The claims and compensation audited and allowed shall be read to the electors at the next annual meeting as directed in section three.

When audited to be laid before board of supervisors.
How paid.

ARTICLE TWELFTH.

§ 1. The following town officers shall be entitled to compensation, at the following rates, for each day necessarily devoted by them to the service of the town in the duties of their respective offices:

Compensation.

§ 2. The town clerk, assessor, overseer of the poor, and commissioners of highways, shall receive for their services one dollar and fifty cents per day, when attending to business out of town—one dollar for business in their town: *Provided*, that the town clerk shall be paid fees for the following and not a per diem—for serving notices of election upon town officers, as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, six cents for each one hundred words; for copying any record in his office and certifying the same, six cents for every one hundred words, to be paid by the person applying for the same.

Rate of fees.

§ 3. The pound-master shall be allowed the following fees for his services, to wit: for taking into the pound, and discharging therefrom every horse, ass, or mule and all neat cattle, ten cents each; for every sheep or lamb, three cents each; and for every [hog,] large or small, five cents.

Pound-master's fees.

ARTICLE THIRTEENTH.

§ 1. Whenever any controversy or cause of action shall exist between any towns of this state, and between any town and individual or corporation, such proceedings shall be had, either at law or equity, for the purpose of trying and finally settling such controversy, and the same shall be

Suits between towns.

conducted in the same manner, and the judgment or decree therein shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations.

Suits, how brought.

§ 2. In all such suits and proceedings, the town shall sue and be sued by its name, except where town officers shall be authorized by law to sue in their name of office, for the benefit of the town.

Time of notice.

§ 3. But no towns, or their officers, shall be required to appear, answer or plead to any such suit or action at the first term of the court after the commencement thereof, (when the same shall be commenced in the circuit court) unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of the term.

On whom served.

§ 4. In all legal proceedings against the town by name, the first process, and all other proceedings required to be served, shall [be] served on the supervisor of the town, and whenever any suit or proceeding shall be commenced, it shall be the duty of the supervisor to attend to the defence thereof, and to lay before the electors of the town, at the first town meeting, a full statement of such suit or proceeding, for their direction in regard to the defence thereof.

Duty of supervisor.

Witnesses and jurors.

§ 5. On the trial of every action in which a town will be a party or interested, the electors and inhabitants of such town shall be competent witnesses and jurors, except that in suits and proceedings by and against towns no inhabitant of either town shall be a juror.

Suits, how brought.

§ 6. Any person [action] in favor of a town which, if brought by an individual, could be prosecuted before a justice of the peace, may be prosecuted by such town in like manner, before any such justice, but no action to recover shall be brought [before] any of the justices of the peace residing in the town for the benefit of which the same is prosecuted, but all such actions may be brought before any one of the justices of the peace residing in any other town in the same county.

Suits for trespass on town lands.

§ 7. Whenever any [action] shall be brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it shall appear on the trial thereof that the actual amount of injury to such town lands, in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents, then the amount of the actual damage, with costs of suit, shall be recovered in said action, instead of any penalty for the same trespass imposed by the town meeting, and such recovery shall be a bar to every other suit for the same trespass.

Power of courts to partition.

§ 8. Whenever by any decree or decision in any suit or proceeding brought to settle any controversy in relation to town commons, or other lands the common property of a

town, or for the partition thereof, the right of any town shall be settled and confirmed, the court in which such proceeding shall be had may partition such lands according to right of the parties.

§ 9. In all suits or proceedings prosecuted by or against towns, or by and against town officers, in their name of office, costs shall be recovered as in like cases between individuals. Judgments recovered against a town or against town officers, in actions prosecuted by or against them in their name of office, shall be a town charge, and when levied and collected shall be paid to the person or persons to whom the same shall have been adjudged. Costs.

ARTICLE FOURTEENTH.

§ 1. Whenever the inhabitants of any town shall determine, at an annual town meeting, to erect one or more pounds therein, the same shall be kept under the care and direction of such pound-masters as shall be chosen or appointed for that purpose. Pounds.

§ 2. The inhabitants of any town may, at any annual town meeting, discontinue any pounds therein. May be discontinued.

§ 3. The following shall be deemed town charges : Town charges.

1st. The compensation of town officers for services rendered their respective towns.

2d. Contingent expenses necessarily incurred for the use and benefit of the town.

3d. The moneys authorized to be raised by the vote of a town meeting for any town purposes, and

4th. Every sum directed by law to be raised for any town purpose.

§ 4. The moneys necessary to defray the town charges of each town, shall be levied on the taxable property in such town, in the manner prescribed in the act for raising revenue and other moneys for state and county purposes and expenses. How raised.

§ 5. Whenever the term of any supervisor, town clerk, commissioner of highways or overseers of the poor shall expire, and other persons shall be elected or appointed to such office, it shall be the duty of such successor or successors, immediately after he or they shall have entered on the duties of the office, to demand of his or their predecessor all the books and papers under his or their control belonging to such office. Successors to demand books.

§ 6. Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books and papers. Vacancies.

Persons going
out of office,
their duty.

§ 7. It shall be the duty of every person so going out of office, whenever thereto required, pursuant to the foregoing provisions, to deliver, upon oath, all the records, books and papers in his possession, or in his control, belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made. It shall also be the duty of every supervisor, commissioner of highways and overseers of the poor, so going out of office, at the same time, to pay over to such successor the balance of moneys remaining in his hands, as ascertained by the auditors of town accounts.

Executors, their
duties.

§ 8. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand as above provided, of the executors or administrators of such deceased officer, and it shall be the duty of such executors or administrators to deliver, upon the like oath, all records, books and papers in their possession, or under their control, belonging to the office held by their testator or intestate.

ARTICLE FIFTEENTH.

Powers of coun-
ties.

§ 1. Each county as a body corporate has capacity—
1st. To sue and be sued, in the manner prescribed by law.

2d. To purchase and hold land within its own limits, and for the use of its inhabitants, subject to the power of the general assembly over the same.

3d. To make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate or administrative powers; and

4th. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its inhabitants.

Restrictions.

§ 2. No county, under this organization, shall possess or exercise any corporate powers except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.

Proceedings, in
what name to
be carried on.

§ 3. All acts and proceeding by or against a county in its corporate capacity, shall be in the name of the board of supervisors of such county, but every conveyance of land within the limits of such county, made in any manner for the use and benefit of its inhabitants, shall have the same effect as if made to the board of supervisors.

Powers of coun-
ty, how execu-
ted.

§ 4. The powers of a county as a body politic can only be exercised by the board of supervisors thereof, or in pursuance of a resolution by them adopted.

ARTICLE SIXTEENTH.

§ 1. The supervisors of the several cities and towns of the counties of this state that shall adopt the town system under this act, shall meet annually, in their respective counties, for the dispatch of business, as a board of supervisors. They may also hold special meetings, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. Meeting of supervisors.

§ 2. The annual meetings of the board of supervisors shall be holden on the second Monday in September in each and every year, at the county seat, and if the court-house be deemed convenient, to be held therein. Time of meeting.

§ 3. The board of supervisors, at their first meeting in every year, shall organize by choosing one of their number as chairman, who shall preside at all meetings of the board during the year. In case of his absence at any meeting the members present shall choose one of their number as temporary chairman. Organization

§ 4. The board of supervisors of each county in this state, shall have power, at their annual meetings, or at any other meeting— Power of board of supervisors

1st. To make all such orders, concerning the corporate property of the county, as they may deem expedient.

2d. To audit all accounts chargeable against such county, and to direct the raising of such sums as may be necessary to defray the same.

3d. To audit the accounts of town officers and other persons, against their respective towns, as are not otherwise by law provided for, and to direct the raising of such sums as may be necessary to defray the same.

4th. To appropriate funds to aid in the construction of roads and bridges in any part of their respective counties, whenever a majority of the whole board of the county may deem it proper and expedient.

5th. To perform all other duties, not inconsistent with this act, which may be required of or enjoined on them by any law of this state to the county courts.

§ 5. A majority of the supervisors of any county shall constitute a quorum for the transaction of business, and all questions which shall arise at meetings shall be determined by the votes of the majority of the supervisors present, except in such cases as is otherwise provided. Quorum.

§ 6. The board of supervisors shall sit with open doors, and all persons may attend their meetings. Open doors.

§ 7. Every chairman of the board of supervisors shall have power to administer an oath to any person, concerning any matter submitted to the board, or connected with their powers and duties. Oaths.

Clerk.

§ 8. The clerk of the county court shall be clerk of the board of supervisors, and whose general duty shall be—

His duties.

1st. To record in a book, to be provided for that purpose, all the proceedings of the board.

2d. To make regular entries of all the resolutions or decisions on all questions concerning the raising or payment of moneys, or for the regulating of affairs under their control.

3d. To record the vote of the supervisors on any question submitted to the board, if required by any member of the board.

4th. File and preserve all accounts acted upon by the board.

His compensation.

§ 9. The clerk shall receive a reasonable compensation for his services, to be fixed by the board, to be paid by the county.

Records and accounts.

§ 10. The books, records, and accounts of the board of supervisors shall be deposited with the clerk, and shall be open without reward, to the examination [of all persons.]

Duty of clerks.

§ 11. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, and the charges for which the same was allowed, and he shall deliver to any person who may demand it, a certified copy of any account on file in his office, on receiving from such person five cents for every one hundred words contained in said copy.

Court-houses and jails.

§ 12. It shall be the duty of the several boards of supervisors, as often as it shall be necessary, to build court-houses and jails, or cause the same to be repaired, in their respective counties, at the expense of such counties.

Poor-houses and poor.

§ 13. It shall be the duty of the board of supervisors to take charge of the poor, and the management of the poor-house in their respective counties that is given to the county commissioner's court, and the overseers of the poor of the several towns shall be accountable to and their compensation shall be audited by the board of supervisors, and paid by the county.

Pay of supervisors.

§ 14. Each member of the board of supervisors shall be allowed a compensation for his services and expenses in attending the meeting of the board, or for attending to any other business for the benefit of the town or county, at the rate of one dollar and fifty cents per day, to be audited by the board and paid by the county.

Penalty for neglect of duty.

§ 15. If any supervisor shall wilfully refuse or neglect to perform any of the duties which are or shall be required of him by law, as a member of the board of supervisors, he shall, for every such offence, forfeit the sum of two hundred dollars.

ARTICLE SEVENTEENTH.

§ 1. Every person elected or appointed to the office of county treasurer, shall, within ten days after he is notified of his election or appointment, file in the office of the county court clerk a written acceptance of the office of treasurer, and before he enters upon the duties of his office shall give bond to the supervisors of the county, with two or more sufficient sureties, to be approved of by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay, according to law, all moneys which shall come to his hands as treasurer, and render a just and true account thereof to the board of supervisors, or to the auditor of public accounts of this state, when thereupon required.

To file acceptance.

To give bond.

§ 2. Such bond, when approved by the board of supervisors, shall be entered upon the records and filed in the office of the county clerk. Said clerk shall forward a certified copy thereof to the auditor of public accounts, who shall file the same in his office; and such copy shall have the same force and effect as the original bond. County treasurer's bonds shall be a lien against their real estate.

Bond to be recorded.

Copy sent to auditor.

Lien.

§ 3. It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatever source they may be derived, and all moneys belonging to the state, which by law are directed to be paid to him, and to pay and apply such moneys in the manner required by law.

His duties.

§ 4. The county treasurer shall keep a just and true account of the receipts and expenditures of all moneys, in a book or books to be kept for that purpose; which books shall be provided at the expense of the county.

To keep accounts.

§ 5. The county treasurer shall have the same power to collect the taxes charged against the delinquent or non-resident lands or town lots, and to make sale thereof for the same, as is now or may hereafter be vested in the sheriff or collector under the general laws of this state, and shall account for and pay over the state tax in like manner, and at the same time that county collectors are required to pay over said tax. Said treasurer shall be entitled to like fees for delinquent real estate, and for traveling to the seat of government, as county collectors are entitled to under the revenue laws. The county treasurer shall, within twenty days after having completed the collection of the delinquent tax, deposit the assessment rolls or tax books returned by the town collectors, in the office of the county clerk.

To collect delinquent tax list, and settle with auditor.

§ 6. At the annual meeting of the board of supervisors, or at such other times as they shall direct, the county treasurer shall exhibit to them all his books and ac-

To exhibit book and accounts.

counts, and all vouchers relating to the same to be credited and allowed.

When books to
to be surren-
dered.

§ 7. Upon the death, resignation or removal from office of any county treasurer, all the books and papers belonging to his office shall be delivered to his successor in office, upon his oath, or in case of his death, upon the oath of his executors or administrators. In case such treasurer shall have left the county, a demand may be made of any one having charge of the books or papers belonging to said office, who shall surrender them up, and on oath if required.

Penalty for re-
fusal.

§ 8. If any such preceding county treasurer, or in case of his death, if his executors or administrators shall refuse or neglect to deliver such books, papers and moneys, upon oath, when lawfully required or demanded, every such person shall forfeit, for the use of the county, the sum of one thousand dollars.

Treasurer's fees.

§ 9. The county treasurer shall be allowed two per cent. on the amount of state tax received and paid over into the state treasury, and shall be allowed one per cent. for receiving the county and town tax, and one per cent. for laying out the same: *Provided*, that he shall not be allowed any commission for paying over to a successor.

To be prosecu-
red for failure
to pay over.

§ 10. Whenever any county treasurer shall fail or refuse to pay over the county revenue, the board of supervisors shall cause suit to be prosecuted on his bond, and the auditor shall have the same power to prosecute suit against the county treasurers, on the copy of their bonds, as is allowed by law for prosecuting suits against county collectors.

Moneys recover-
ed, how appro-
priated.

§ 11. All moneys recovered in any such action shall be paid or appropriated for the uses contemplated or directed by law.

ARTICLE EIGHTEENTH.

Of the plan by which property is to be assessed.

Assessment,
where to be
made.

§ 1. Every person shall be assessed in the town or district where he resides, for all the lands then owned by him within such town or district.

Owner or occu-
pant.

§ 2. Land owned by a person residing in a town or district where the same is situated, but occupied by another person, may be assessed in the name of the owner or occupant, at the election of the assessor.

Non-residents.

§ 3. All lands owned by any person which are not situated in the town or district where such owner may reside, shall be taxed as non-resident, and assessed as hereinafter provided for.

Personal proper-
erty.

§ 4. Every person shall be assessed in the town or district where he resides when the assessment is made, for all

personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor or administrator, and in no case shall property held under either of these trusts be assessed against any other person.

§ 5. The real estate of all incorporated companies, liable to taxation, shall be assessed in the town or district in which the same shall lie, in the same manner as real estate of individuals. All the capital stock of every incorporated company, liable to taxation, shall be assessed in the town or district where the principal office of said company is located or business transacted. In the case of toll-bridges, the company owning such bridge shall be assessed in the town or district in which the tolls are collected. In the case of a stage company, the horses and stages shall be taxed in the town or district where they are usually kept. Corporations.

ARTICLE NINETEENTH.

§ 1. It shall be the duty of the clerk of the county court, in each and every county where they have organized into townships, to procure or prepare, in conformity with the instructions with which he may from time to time be furnished by the auditor of public accounts, blanks or books, properly ruled and with suitable heading, for the use of the assessors of the several towns or districts in his county, a suitable number of which shall always be ready for the assessors throughout the county, and each assessor shall call for the same on or before the first day of May in each and every year. The expense of procuring the same shall be audited by the board of supervisors, and paid out of the county treasury. He shall also furnish each assessor with a list of all taxable lands within their respective towns or districts as have not been heretofore furnished. Assessors' books. List of taxable property.

§ 2. Between the first day of May and July in each year, the assessor shall proceed to ascertain, by diligent inquiry, the name of all the taxable inhabitants in their respective towns or districts, and also the taxable property, real or personal, within the same. Time of assessments.

§ 3. They shall set down, in the separate columns, as headed for each article of taxable property, according to their best information and judgment, in accordance with the revenue laws of this state. How made.

§ 4. When a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition of his name to his representative character. Trustees, guardian, &c.

§ 5. The assessor shall complete the assessment rolls on or before the first day of August in each year, and shall forthwith cause notices thereof to be posted up in three or more of the most public places in the town, ward or district. When completed.

Notices.

§ 6. Such notices shall set forth the time and place where he will meet with the town clerk and supervisor of the town, to correct the roll; which time of meeting shall not be less than ten days from completing the assessments, nor more than fifteen days from the time of such completion.

Review of assessment.

§ 7. The assessor, town clerk and supervisor shall attend at the time and place specified in the notice, and on the application of any person conceiving himself aggrieved, they shall review the assessment, and when the person objecting thereto shall make an affidavit that the value of his personal estate does not exceed a certain sum specified in such affidavit, the assessor shall reduce the assessment to the sum specified in such affidavit, and if he or any other one objects to the valuation put upon any of their real estate, the board shall hear the objections, and may reduce the same, if a majority of the board think it advisable, and in such case the assessor shall correct his list.

Oath.

§ 8. The oath required by the preceding section may be administered by the assessor, town clerk or supervisor.

Certificate of assessor.

§ 9. After the assessment is corrected according to the provisions of section seven of this article, the assessor shall sign the assessment roll, and shall sign and attach thereto a certificate in the following form:

I do certify that I have set down in the above assessment roll, as corrected, all the real estate situated in the (town or district, as the case may be,) according to my best information, and that I have estimated the value of the real estate at the sum which I have deemed to be the true value thereof; and also that the said assessment rolls contain, as corrected, a true statement of the aggregate amount of taxable personal estate of each and every person named in the said roll, excluding such stocks as are otherwise taxable, and that, with the exception of those cases in which the value of such personal estate has been sworn to by the owner or possessor, I have estimated the same according to my best information and belief.

Instructions and forms.

§ 10. The assessors, in the execution of their duties, shall use the forms and pursue the instructions which shall from time to time be transmitted to them by the auditor of public accounts, or furnished them by the county clerks.

Manner of assessment.

§ 11. In assessing the lands and town lots in any town or district, the assessor shall list the same in numerical order, placing each separate section, and, as far as practicable, each government subdivision of a section by itself, and shall

Time of return.

return the assessment roll, certified, to the clerk of the county court, on or before the first day of September in each year.

§ 12. The clerk, upon the receipt of the several assessment rolls, shall carefully compare the same with the list of taxable land on file in his office, correcting all errors which he may discover, and add to the roll of the proper town the name of the purchaser, and the description of all such lands as have been omitted by the assessor which are liable to taxation. He shall then make a fair copy of the several assessment rolls; which copy, together with the original, shall be laid before the board of supervisors, at their annual meeting in each year; for which service said clerk shall be allowed a sum not exceeding two cents for each tract of land, and one cent on each town lot contained in said rolls, and where the real estate and personal property are separate, one half cent for each person's name and valuation of personal property contained in said rolls. Duty of clerk.

§ 13. If any assessor shall wilfully refuse or neglect to perform any of the duties required of him by this act, he shall forfeit to the people of this state the sum of fifty dollars, and be liable for all damages sustained by any such refusal or neglect. Penalty for neglect of assessor.

ARTICLE TWENTIETH.

Of the equalization of assessments and the correction of the assessment rolls.—Examination of rolls.

§ 1. The board of supervisors of each county in this state, at their annual meeting, shall examine the assessment rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or district bear just relation to all the towns and districts in the county, and they may increase or diminish the aggregate valuation of real estate in any town or district, by adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of real estate in the county, but they shall, in no instance, reduce the aggregate valuations of all the towns and districts below the aggregate valuation thereof as made by the assessor. They may make such alterations in the descriptions of the lands of non-residents as they shall deem necessary, and they shall assess the value of all such lands as have been omitted by the assessor and listed by the clerk, and cause the same to be placed opposite the description of said lands in a column prepared for that purpose. Equalization of assessments.

§ They shall, at their annual meeting, fix upon a certain rate upon the hundred dollars to be levied upon the taxable property, both real and personal, in their respective counties, for county purposes, which they shall cause to be entered upon their record, and they shall, at the same time, also enter upon their record the amount to be collected in Rate of county and town assessments.

each town in their respective counties for town purposes. They shall carefully compare the copy made by the county clerk with the original assessment roll, and when so compared and corrected they shall cause the taxes to be extended on the copy. They shall also cause to be indorsed on the original assessment roll the amount per cent. levied on each one hundred dollars' worth of valuation as taxes thereon, under the hand of their chairman, attested by the clerk and seal of the county court; which roll shall remain in the county clerk's office until the month of March next thereafter. The town clerks shall call on the county clerk during the month of March in each year, for the original assessment rolls of the previous year of their respective towns; which rolls they shall file in their respective offices for the use of the town.

Separate valuations.

§ 3. They shall cause to be estimated and set down, in a separate column to be prepared for that purpose in the copied assessment roll, opposite the several sums set down as the valuations of real and personal estate, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax thereon.

Aggregate valuations.

§ 4. They shall also cause to be added up and set down, the aggregate valuation of the real and personal estate in the several towns and districts, as corrected by them, and the county clerk shall transmit to the auditor of public accounts, by mail, a certificate of such aggregate valuation, showing separately the aggregate valuation of real and personal estate, and the amount of state and county tax.

Assessment roll, when delivered to collector.

§ 5. The board of supervisors shall cause the copied and corrected assessment roll of each town or district in their respective counties, with the taxes extended thereon, to be delivered to the collector of such town or district, on or before the fifteenth day of November in each year.

Warrant to be attached to said roll.

§ 6. To each assessment roll so delivered to a collector, a warrant, under the hand and seal of the chairman of the board of supervisors, attested by the county clerk and seal of the county court, shall be annexed, commanding such collector to collect from the several persons named in the assessment roll the several sums mentioned in the last column of such roll, opposite their respective names. The warrant directed to the collector of a town shall direct the collector, out of the moneys to be collected, after deducting the compensation to which he may legally be entitled, to pay over to the commissioners of highways the amount of tax collected for the support of highways and bridges, and to the supervisor of the town all other moneys which shall have been collected therein, to defray any other town expenses; to the township treasurers the school fund tax, and to the county treasurer the state and county tax collected by them. The county treasurer shall pay over to the prop-

Its tenor.

er officers the amount of tax collected by them on the delinquent real estate.

§ 7. In all cases the warrant shall authorize the collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and it shall require all payment therein specified to be made by such collector on or before the fifteenth day of February next ensuing. Authority to distress, &c.

§ 8. The chairman of the board of supervisors and county clerk, as soon as the assessment rolls have been delivered to the several collectors, with such warrants annexed, shall transmit, under their hands and seals of the county court, to the treasurer of the county, an account thereof, stating the names of the several collectors, the amount of money they are respectively to collect, the purposes for which the same are to be collected, and the persons to whom and the time when the same are to be paid; and the county treasurer, on receiving such accounts, shall charge to each collector the sums to be collected by him. Account of assessment rolls to be delivered to treasurer.

ARTICLE TWENTY-FIRST.

Of the manner in which taxes are to be collected, and the duties of the collector.—Collector—mode of collection.

§ 1. Every collector, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his or her place of residence, if in the town or district for which such collector has been chosen, and shall demand payment of the taxes charged to him on his property. Duty of collector

In case of refusal to pay.

§ 2. In case any person shall refuse or neglect to pay the tax imposed on him, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same. Distress.

Notice.

§ 3. The collector shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement, to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction. Notice of sale.

Surplus.

§ 4. If the property distrained shall be sold for more than the amount of the taxes, the surplus shall be returned Surplus.

to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner.

Proceedings in case of removal § 5. In case any person upon whom any tax shall be assessed, under the provisions of this act, in any city or town of this state, shall have removed out of such city or town after such assessment, and before such tax, which now is or hereafter may be assessed, in any district of any city or in any town, upon the estate of such person situated out of the city or town in which he shall reside, and within the county, it shall be lawful, in either of those cases, for the collector of said city or town to levy and collect such tax of the goods and chattels of the person assessed, in any district within said cities, or in any town within the said county to which such such person shall have removed, or in which he shall reside.

Collector, when to pay over. § 6. Every collector shall pay over, within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officers of his town and to the county treasurer, the sums required in such warrant to be paid to them respectively, first retaining the compensation to which he may be legally entitled. The town officers to whom any such moneys shall be paid, shall deliver to the collector duplicate receipts therefor, one of which shall be filed by the collector with the county treasurer, for the amount therein stated to have been received, and no other evidence of such payment shall be received by the county treasurer.

Surplus, how disposed of. § 7. Whenever any greater amount of taxes shall be assessed in any town than the town charges thereof, and its proportion of the tax and county charges, the surplus shall be paid by the collector to the supervisor of the town, who shall hold the same until wanted by the town to pay any town expenses.

Collector to receive tax on part of lot or tract. Proviso. § 8. The collectors shall receive on the part of any lot, piece or parcel of land charged with taxes: *Provided*, the persons paying such tax shall furnish a particular specification of the part, and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the collector shall enter such specification in his return to the county treasurer, to the end that the part on which the tax remains unpaid may be clearly known.

Part paym't on fractional lots. § 9. If any part on which the tax shall be so paid be an undivided share, then the person paying the same shall state to the collector who is the owner of such share, then it may be excepted in case of a sale for the tax on the remainder,

and the collector shall enter the name of such owner on his account of arrears of taxes.

§ 10. If any of the taxes entered in his tax bill annexed in his warrant shall remain unpaid, and the collector shall not be able to collect the same in the time required by his warrant, he shall then deliver to the county treasurer his tax book, and a list containing a description of such taxes due and unpaid, and shall make oath before the county treasurer, or, in case of his absence, before any justice of the peace, that the sums mentioned in said list remains unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the person so charged with or liable to pay such sums whereon he could levy the same, he shall be credited by the county treasurer the amount thereof, and the county treasurer shall give the collector a receipt for the same.

§ 11. If any person, chosen or appointed to the office of collector of any town, district or city in this state, shall refuse to serve, or shall die, resign, or remove out of the town, district or city, or the office becomes vacated in any other way, before he shall have entered upon or completed the duties of his office, or shall in any way be disabled from completing the same, the supervisor and justices of such town or district, or any two of them, shall forthwith appoint a collector for the remainder of the year, who shall give the like security, and be subject to the like penalties, and have the same powers and compensation as the collector in whose place he was appointed, and the supervisor or town clerk shall forthwith give notice of such appointment to the county treasurer. But such appointment shall not exonerate the former collector or his sureties from any liability incurred by him or them.

§ 12. If a warrant shall have been issued as by law provided, prior to any appointment under the last section, the original warrant, if the same can be obtained, shall be delivered to the collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out by the clerk of the board of supervisors of the county, and shall be signed by the chairman of the board of supervisors, in the same way and manner as the original was, which shall be directed to the collector so appointed, and upon every such appointment the supervisor of the town or district, if he shall think it necessary, may extend the time limited for the collection of the taxes, for a period not exceeding thirty days; of which extension he shall forthwith give notice to the county treasurer. The collector so appointed shall keep an account of all collections made by the former collector, so far as he can ascertain the same, and when any one shall present a receipt for

Delinquent list

Vacancies, how filled.

Warrant, &c.

taxes paid to the former collector, he shall mark against the amount of taxes so paid, to whom paid, and the time when paid.

Neglect of Collector to pay over money.

Neglect of collector to pay over money. § 13. If any collector shall refuse or neglect to pay to the several town officers of his town, or to the county treasurer, the sums required by his warrant to be paid to them respectively, or either of them, or to account for the same as unpaid, the county treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such collector, of the goods and chattels, lands and tenements of such collector, and to pay the same to the county treasurer, and to return such warrant within forty days after the date thereof; which warrant the county treasurer shall immediately deliver to the sheriff of the county. But no such warrant shall be issued by the county treasurer, for the collection of moneys payable to town officers, without proof, by the oath of such town officers, of the refusal or neglect of the collector to pay the same, or account therefor as above provided.

Duty of Sheriff.

Sheriff to execute warrant. § 14. The sheriff to whom such warrant is directed shall immediately cause the same to be executed, and shall make return thereof to the county treasurer, within the time specified, and shall pay to him the money received by virtue thereof, deducting from his fees the same compensation that the collector would have been entitled to retain. Such part of the moneys, if any, as ought to have been paid by the collector to the town officers, shall be paid by the county treasurer to the officers to whom the collector was directed to pay the same; but if the whole amount of moneys due from the collector shall not be collected in such warrant, the county treasurer shall first retain the amount which ought to have been paid him, before making any payment to the town officers.

In case the whole or part of money is paid.

When whole or part of money is paid. § 15. If the whole sum due from the said collector shall be collected, the sheriff shall so state in his return, but if part only, or if no part of such sum shall be collected, the sheriff shall note in his return the amount levied, if any, exclusive of his fees, and shall also certify that such collector has no goods or chattels, land or tenements in his county,

from which the moneys or the residue thereof, as the case may be, could be levied, and in either case the county treasurer shall forthwith give notice to the supervisor of the town or district of the amount due from such collector.

Bond to be sued.

§ 16. The supervisor shall forthwith cause the bond of such collector to be put in suit, and shall be entitled to recover thereon the sum due from such collector, with costs of suit, and the moneys recovered shall be applied and paid to the supervisor, in the same manner in which it was the duty of the collector to have applied and paid the same.

§ 17. If any sheriff shall neglect to return any such warrant, or to pay the money levied thereon, within the time limited for the return of said warrant, or shall make any other return than such as is above mentioned, the county treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant, by a proper suit thereof, [therefor,] and he may proceed in the first instance by a writ of attachment against the goods and chattels, lands and tenements, rights and credits, of such sheriff, and the same proceeding may be had thereon, in the proper court, as is now provided by law in ordinary cases of attachment.

§ 18. In case the county treasurer shall fail to collect such moneys by attachment or suit, as is provided for in the next preceding section hereof, he shall certify to the auditor of public accounts that he has issued such warrant, stating its contents, that the sheriff has neglected to return the same in the manner required by law, or to pay the money levied thereon, as the case may be, and that he has pursued the remedy, by attachment or suit, without effect.

§ 19. The auditor of public accounts shall give notice thereof to the attorney general, or any one acting as such, who shall immediately prosecute such sheriff and his sureties for the sum due on such warrant; which sum, when collected, shall be paid to the treasurer of this state, and by him, on the warrant of the auditor of public accounts, to the county treasurer, the county part thereof: *Provided*, that any such proceeding may be had under the general laws of this state.

§ 20. Upon the settlement of the amount of taxes directed to be collected by any collector, in any of the towns or cities in this state, the county treasurer shall, if requested, give to such collector, or any of his sureties, a satisfaction piece in writing, and shall acknowledge the same before some person authorized to take acknowledgments of deeds.

§ 21. Upon the production of such satisfaction piece, acknowledged as aforesaid, the recorder of the county shall

Suit on bond.

Failure of sheriff.

Failure of treasurer.

Auditor to give notice.

Proviso.

Receipt and discharge by treasurer.

Satisfaction to be entered.

enter satisfaction of record of the collector's bond, which shall be discharged.

Fees.

§ 22. The officer taking and returning such acknowledgment, shall be entitled to the same fees as for taking and entering acknowledgments of satisfaction of a deed or mortgage.

Collector's fee.

§ 23. The collector of any town shall be entitled to three per cent. on all moneys collected by him, as his compensation.

ARTICLE TWENTY-SECOND.

Of Roads, Highways and Bridges.

Commissioners
of highways.

§ 1. The commissioners of highways in the several towns in this state, shall have the care and superintendence of highways and bridges therein; and it shall be their duty—

Powers and du-
ties.

1st. To give directions for the repairing of the roads and bridges in their respective towns.

2d. To regulate the roads already laid out, and to alter such of them as they or a majority of them shall deem proper, as hereinafter provided.

3d. To cause such roads used as highways as have been laid out but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the town clerk's office.

4th. To cause the highways and the bridges, which are or may be erected over streams intersecting highways, to be kept in repair.

5th. To divide their respective towns into so many road districts as they shall deem convenient, by writing, under their hands, to be lodged with the town clerk, and by him to be entered in the town book. Such division to be made annually, if they shall think it necessary, and in all cases to be made at least ten days before the annual town meeting.

6th. To assign to each of the said road districts, such of the inhabitants liable to work on highways as they shall think proper, having regard to proximity of residence as much as shall be; and,

7th. To require the overseers of highways, from time to time, and as often as they shall deem necessary, to warn all persons to work on highways, to come and work thereon, with such implements, carriages, sleds, cattle or teams as the said commissioners, or any one of them, shall direct.

Account to board
of auditors.

§ 2. The commissioners of highways of each town shall render to the board of town auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating—

1st. The labor assessed and performed in such town.

2d. The sums received by such commissioners for fines and commutations, and all other moneys received under this act.

3d. A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year and the road tax will accomplish.

4th. Also, a statement in writing of all expenses and damages in consequence of laying out, altering or discontinuing roads.

§ 3. It shall be the duty of the commissioners of high- Guide-boards ways of each town to cause suitable guide-boards to be put up at such places as they may deem necessary.

§ 4. It shall be the duty of the overseers of highways Duty of overseers of highways defined in each town—

1st. To repair and keep in order the highways within their several districts for which they shall have been elected.

2d. To warn all persons from whom road labor is due to work on the highways, at such times and places, within their several districts, as they may think proper.

3d. To collect all fines and commutation money, and to execute all lawful orders of the commissioners of highways.

4th. To deliver to the clerk of the town, within sixteen days after their election or appointment, a list subscribed by such overseer, of the names of all the inhabitants in his road district who are liable to work on the highways.

Implements.

§ 5. The commissioners of highways, whenever they shall think it necessary, may direct and empower any overseer of highways in their respective towns, to procure a good and sufficient iron or steel shod scraper and plough, or either of them, for the uses of his road district, to be paid for by moneys arising from commutation and fine within the district. Tools to be procured.

Vacancy.

§ 6. If any person, chosen or appointed to the office of overseer of highways, shall refuse to serve, or if his office shall become vacant, the commissioners of highways of the town shall, by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at the town meeting. Vacancies, how filled.

Warrant of appointment.

Warrant to be
filed.

§ 7. The commissioners making the appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases.

Penalty for neg-
lect.

§ 8. Every overseer of highways who shall refuse or neglect to perform any of the duties of this act, or which may be lawfully enjoined on him by the commissioners of highways of his town, and for the omission of which a penalty is hereinafter provided, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered to be applied by them in making and improving the roads and bridges therein.

Meeting of com-
missioners.

§ 9. The commissioners of highways of each town shall meet within eighteen days after they shall be chosen, at the town clerk's office, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.

Lists to be deliv-
ered to commis-
sioners.

§ 10. The town clerk shall deliver the lists filed by the overseers to the commissioners of highways of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

Persons liable to
perform road
labor.

§ 11. 1st. Every male inhabitant, being above the age of twenty-one years and under the age of fifty, (excepting paupers, idiots, lunatics and such others as are exempt by law,) shall be assessed at least two days in each and every year.

Real estate to be
taxed.

2d. The commissioners of highways shall assess a road tax on all real estate liable to taxation of the town, to any amount they may deem necessary, not exceeding twenty cents on each one hundred dollars' worth, as valued on the assessment roll of the previous year.

Assessment list.

3d. They shall affix to the name of each person named in the lists so furnished by the overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land, and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of road tax assessed thereon, in a separate column. The lists so prepared shall be subscribed by the commissioners and deposited with the town clerk, to be filed in his office.

Copy of list.

§ 12. The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies; after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed: one

copy for each overseer shall contain the name and number of days assessed to each person, the other the land road tax.

§ 13. The names of persons left out of any such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the overseers in the same proportion, to work on the highways, as others rated by the commissioners on such list, subject to an appeal to the commissioners.

Names of persons omitted.

§ 14. It shall be the duty of the commissioners of highways of each town, to credit such persons as live on private roads and work the same, so much on account of their assessment as such commissioners shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

Credit for work on private roads.

§ 15. The town clerk shall, within ten days after the commissioners of highways have filed in his office the amount of road tax assessed on the real estate of the town, post a notice on the outer door of the house where the town meeting was last held, stating the amount of road tax assessed on each one hundred dollars' worth of the real estate of the town, and that all persons interested can pay the same in labor on the highways, under the direction of the overseers of highways in the districts where the land is situated.

Notices to be posted.

ARTICLE TWENTY-THIRD.

§ 1. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on the highways, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in some district where he has any land; and in such case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated.

Notice to persons liable to work on roads.

§ 2. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person, other than an overseer of highways, may elect to commute for the same, or for some part thereof, at the rate of seventy-five cents per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

Commutation of road labor.

Payment of
commutation
money.

§ 3. Every person intending to commute for his assessment, or any part thereof, shall, within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as complete until such money be paid.

Teams, &c. may
be required.

§ 4. Every overseer of highways shall have power to require a team or a cart, wagon or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment, and the person furnishing the same upon such requisition shall be entitled to a credit of two days for each day's service therewith.

Substitutes.

Eight hours to
constituted day's
work.

§ 5. Every person assessed to work on the highways and warned to work, may appear in person or by an able-bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, under a penalty of twelve and a half cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Penalty for idleness.

§ 6. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for ever offence, forfeit the sum of one dollar.

Penalty for neglect or refusal
to work.

§ 7. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect the sum of one dollar. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows:

1st. For wholly omitting to comply with such requisition, three dollars for each day.

2d. For omitting to furnish a cart, wagon or plough, one dollar for each day.

3d. For omitting to furnish a pair of horses or oxen, one dollar for each day.

4th. For omitting to furnish a man to manage the team, one dollar for each day.

Complaint for
neglect or refusal.

§ 8. It shall be the duty of every overseer of highways, within six days after any person so assessed and notified shall be guilty of any refusal or neglect, for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint, on oath, to one of the justices of the peace of the town.

Justice to issue
summons.

§ 9. The justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the town, requiring him to summon such delinquent to appear forthwith before such justice, at some place, to be

specified in the summons, to show cause why he should not be fined according to law, for such refusal or neglect; which How served. summons shall be served personally, or by leaving a copy at his personal abode.

§ 10. If, upon the return of such summons, no sufficient Proceedings on return of summons. cause shall be shown to the contrary, the justice shall impose fine as is provided in this act for the offence complained of, and shall forthwith issue a warrant, under his hand and seal, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, of the goods and chattels of such delinquent.

§ 11. The constable to whom such warrant shall be directed, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer. Duty of constable.

§ 12. Every penalty collected for refusal or neglect to appear and work on the highways, shall be set off against his assessment upon which it was founded, estimating every dollar collected as a satisfaction for one day's work. Penalty, how applied.

§ 13. The acceptance by an overseer of any excuse for refusal or neglect, shall not, in any case, exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year. Acceptance of excuse, not to release duty of road labor.

§ 14. Each and every overseer of highways shall be entitled to one dollar per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as overseer, beyond the amount of his own highway labor and road tax—the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that when there is no funds from fines and commutations, the commissioners may pay the overseers out of other funds in their hands, if they think proper. Compensation of overseers. Proviso.

§ 15. It shall be the duty of the overseer of highways to warn all residents of his district, against whom a land road tax is assessed, giving them three days' notice to work out the same upon the highways, and he shall receive such tax in labor from every able-bodied man, or his substitute, at the rate of seventy-five cents per day, and any person or his agent may pay such tax in road labor at the rate of seventy-five cents per day, or in that proportion, for a less amount: *Provided*, that any person may elect to pay such tax to the overseer in money. Road tax on land, may be paid in labor.

§ 16. It shall be the duty of the overseer of highways, when such land tax has been paid, either in money or labor, Payment of tax to be noted.

to write the word "paid," distinctly, against each name or tract on his list on which the same has been paid.

Return of overseers.

§ 17. Every overseer of highways shall deliver to the supervisor of his town, at least five days previous to the annual meeting of the board of supervisors, the list furnished by the commissioners of highways, containing the land road tax, with an affidavit thereon, sworn to before some justice of the peace of said town, that on all tracts of land on such list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his belief and knowledge.

Penalty for neglect.

§ 18. If any overseer shall refuse or neglect such list to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the affidavit as therein directed, he shall, for every such offence, forfeit the sum of five dollars, and also the amount of tax or taxes remaining unpaid, to be recovered by the commissioners of highways of the town, and to be applied by them in improving the roads and bridges of such town.

Duty of supervisors severally.

§ 19. It shall be the duty of the supervisors of the several towns to receive the list of the overseers of highways when delivered pursuant to the preceding section, and to lay the same before the supervisors of the county.

Duty of board of supervisors.

§ 20. It shall be the duty of the board of supervisors to cause the amount of such arrearages of road tax to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected, and to order the same when collected to be paid over to the commissioners of highways of the towns, to be by them applied to the construction of roads and bridges.

Road labor, when to be done.

§ 21. It shall be the duty of every overseer of highways, to have at least three fourths of the road labor assessed in his district worked out or actually expended on the highways previous to the first day of October in every year.

Assessor to make return.

§ 22. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the commissioners of highways of the town an account in writing, containing—

Form and order of List.

Nature of returns.

1st. The names of all persons assessed to work on the highways in the district of which he is overseer.

2d. The names of all those who have actually worked on the highways, with the number of days they have actually worked.

3d. The names of all those who have been fined, and the sums in which they have been fined.

4th. The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

5th. The amount of uncollected road tax which he has returned to supervisor of the town, as required in section 17 of this article.

Pay over money.

§ 23. Every such overseer shall, also, then and there pay to the commissioners all moneys remaining in his hands unexpended, to be applied by the commissioners in making and improving the roads and bridges in the town, in such manner as they shall direct.

Overseer to pay over money.

In case of refusal, &c.

§ 24. If any overseer shall refuse or neglect to render such account, or if having rendered the same he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with the balance of the moneys remaining in his hands, by the commissioner of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty, in every instance in which no return is made.

Penalty for refusal or neglect.

ARTICLE TWENTY-FOURTH.

§ 1. The commissioners of highways may alter or discontinue any road, or lay out any new road, when petitioned by any number of legal voters, not less than twelve, residing within three miles of the road so to be altered, discontinued or laid out. Said petition shall set forth in writing a description of the road, and what part thereof is to be altered or discontinued; and if for a new road, the names of the owners of lands, if known, over which the road is to pass, the point at which it is to commence, its general course, and the place at or near where it is to terminate.

Alteration or discontinuance of roads.

§ 2. Whenever any number of legal voters determine to petition the commissioners of highways for the alteration or discontinuance of any road, or laying out of any new road, they shall cause a copy of their petition to be posted up in three of the most public places in the town, twenty days before any action shall be had in reference to said petition.

Copy of notice to be posted.

§ 3. Whenever the commissioners of highways shall receive a petition in compliance with the two preceding sec-

Proceedings of commissioners.

tions, they shall, or a majority of them, within ten days after the expiration of the twenty days required in section two of this article, personally examine the proposed alteration, discontinuance or route for the new road proposed to be laid out, and shall hear any reasons that may be offered for or against altering, discontinuing or laying out the same. If they shall be of opinion that such alteration, discontinuance or laying out shall be necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners as hereinafter provided.

Survey.

§ 4. Whenever the commissioners of highways shall determine to lay out any new road, or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances, and also the lands over which such road passes. They shall incorporate such report and survey, accompanied with the plat, in an order, to be signed by them, declaring such road so altered or laid out to be a public highway; which order, together with the petition, shall be deposited with the town clerk, who shall note the time of filing the same. In case the commissioners shall determine not to alter, discontinue or lay out any roads in accordance with any petition to them presented, they shall note the fact on the back of said petition, and deposit it with the town clerk, who shall note the time of filing the same.

Duty of town clerk.

§ 5. It shall be the duty of the town clerk, whenever any order of the commissioners for laying out, altering or discontinuing a road shall be received by him, to carefully file the same, and the time hereinafter limited for appealing from such order shall be computed from the time of filing the same, but the town clerk shall not record such order until a final decision is made, and not then unless such order is confirmed.

Damages.

§ 6. The damages sustained by reason of the laying out, or opening, or altering any road may be ascertained by the agreement of the owners and the commissioners of highways, and unless such agreement be made or the owners of the land shall, in writing, release all claims to damages, the same shall be assessed in the manner hereinafter prescribed, before such road shall be opened, or worked, or used. Every agreement and release shall be filed in the town clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the commissioners and owners of land claiming damages cannot agree, it shall be the duty of the commissioners to assess the damages at what they may deem just and right to each individual claimant with which they cannot agree, and deposit a statement of the amount of damages so assessed to

each individual with the town clerk, who shall note the time of filing the same.

It shall be the duty of commissioners, in all cases of assessing damages, to estimate the advantages and benefits the new road or alteration of an old one will confer on complainants for the same, as well as the disadvantages.

§ 7. No damages shall be allowed by reason of the alteration of any old road, unless such alteration or new road passes through enclosed, cultivated or improved lands: *Provided*, that commissioners of highways may allow damages, when in their opinion it is absolutely necessary so to lay out a new road, either diagonally across a lot of land, or in any way so as materially to injure the same. Damages, when not to be allowed.
Proviso.

§ 8. Any person or persons, being owners of or agents Appeals. for any tract of land over which any highway, altered, discontinued or laid out, shall run, feeling themselves aggrieved by any order made by the commissioners of highways, may appeal from the same at any time within thirty days after the filing of such order in the town clerk's office. Such appeal shall note the time that such order was filed, and shall be made to three supervisors of the county, neither of which shall be a resident of the town in which said highway is situated. All persons who desire to make an appeal from such order shall act in concert, and make their appeal to the same three supervisors.

§ 9. Every such appeal shall be in writing, addressed to the supervisors, and signed by the party or parties appealing. Mode of appeal. It shall briefly state the ground upon which it is made, and whether it is brought in relation to damages assessed by the commissioners of highways, or in relation to the alteration, discontinuance or laying out of the road, or whether it is brought to reverse entirely the determination of the commissioners, or only to reverse a part thereof; and in the latter case it shall specify what part. The appeal shall be left with one of the three supervisors, by the person or persons appealing, and such person or persons shall also leave a notice of such appeal with each of the other supervisors to whom the appeal is made.

§ 10. It shall be duty of the supervisors to whom the appeal is made, as soon as may be convenient after the expiration of thirty days from the filing of the order in the town clerk's office from which the appeal is made, to agree upon a time when and where they will meet to consider the same; which shall be at some place deemed convenient at or near the road to be examined. Proceeding of supervisors.

§ 11. The person or persons making the appeal shall cause a notice in writing, of the time and place agreed on by the three supervisors when and where they will meet, to be served on each of the commissioners of highways from whose order they appealed, and also on at least three of the Notice of hearing.

petitioners who petitioned in relation to such road ; which notices shall be served at least eight days before the time mentioned therein, by delivering one to each commissioner, or leaving one at each of their dwelling houses, and in like manner shall the notices be served on each of the three petitioners.

Trial of appeal.

§ 12. It shall be the duty of supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process, to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy. They shall first consider the propriety and expediency of locating, altering or discontinuing the road ; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix upon the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages unless his or her name appears in the appeal in reference to that subject. The supervisors shall be governed by the same, unless in assessing damages as is provided in section 6th of this article, for the government of commissioners of highways in such case.

Compensation of supervisors.

§ 13. Every such supervisor shall be entitled to receive one dollar and fifty cents for every day employed in hearing and deciding such appeal, to be paid by the party appealing, where the determination of the commissioners shall be affirmed; but where it is reversed, to be charged against the town.

Appeal from decision of commissioners.

§ 14. Upon the refusal of the commissioners to alter, discontinue or lay out any new road petitioned for as provided in section one of this article, any one of the petitioners may appeal from such determination, in the same manner, and subject to the same provisions and restrictions, as relates to persons who feel themselves aggrieved by a determination of the commissioners to alter, discontinue or lay out a new road.

Duty of supervisors.

§ 15. Where an appeal shall have been made from a determination of the commissioners refusing to lay out, alter or discontinue a road, and the supervisors shall reverse such determination, such supervisors shall alter, discontinue or lay out the road applied for, as the case may be, and in doing so shall proceed in the same manner in which commissioners of highways are directed to proceed in the like cases. Such roads shall be opened by the commissioners of the town, in the same manner as if laid out by themselves.

Proceedings, when supervisors cannot attend.

§ 16. In case any one of the supervisors to whom such application shall have been made, shall become unable to attend before the determination of such appeal, it shall be the

duty of the remaining supervisors named therein to associate with themselves another of the supervisors of the same county, who shall act with them in all subsequent proceedings, in the same manner as if he had been originally named in such appeal. In case the term of office of any supervisor shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

§ 17. The amount of damages as finally settled by the three supervisors, or as agreed on by the commissioners of highways, together with all charges of officers and other persons employed in laying out, altering or discontinuing any road, shall be rendered by the commissioners of highways to the board of town auditors, with the amount of damages and charges due each individual; which accounts shall be audited by said board, certified to and deposited with the town clerk. The town clerk shall make out the aggregate amount of such damages and charges, with his certificate thereto attached, and deliver the same to the supervisor of the town, previous to the annual meeting of the board of supervisors.

Damages, how paid.

§ 18. After a final decision by any three supervisors to whom any road difficulty has been appealed, if in the opinion of the supervisor, town clerk, the justices of the peace, and the commissioners of highways, or any five of them, the damages are manifestly too high, and that in providing for the payment thereof an oppressive tax will have to be levied on the property of said town, they may petition the board of supervisors, at any meeting of said board held within six months after such decision for relief, either from the whole or a part of the damages. The board shall hear the reasons for and against granting such relief, and if a majority of them shall be of opinion that the town should be relieved from the whole amount of damages, then and in that case the opening of said road shall be postponed until the damages, or a major part thereof, are in some other way provided for than by levying a tax upon the property of the town.

Proceedings when damages are deemed too high.

§ 19. When the commissioners of highways of any town shall disagree with the commissioners of any other town of the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns, or when the commissioners of a town in one county shall disagree with the commissioners of a town in another county, relative to the laying out of a new road, or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioner, and make their determination upon such subject of disagreement.

Proceedings when commissioners of different towns disagree.

§ 20. Whenever the commissioners of highways of any town receive a petition, praying the location of a new road,

Discontinuance
or alteration of
roads on town
line.

alteration or discontinuing of an old one, upon the line between two towns, such road shall be laid out, altered or discontinued by two or more of the commissioners of highways of each of said towns, either upon such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one or the other side of of such line, as they may think proper.

Road districts.

§ 21. It shall be the duty of the said commissioners, when there may be such highway, to divide it into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highway, through each of the said districts, may be equal, as near as may be, and to allot an equal number of the said districts to each of the said towns.

Allotment of
districts.

§ 22. Each district shall be considered as wholly belonging to the town to which it shall be allotted for the purpose of opening and improving the road, and keeping it in repair, and the commissioners shall cause such highway, and the partition and allotment thereof, to be recorded in the office of town clerk, in each of their respective towns.

Allotment of
the roads.

§ 23. All highways heretofore laid out upon the line between any two towns, shall be divided, allotted, recorded and kept in repair in the manner above directed.

Time for removal
of fences.

§ 24. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated or improved lands, in conformity with the provisions of this act, and their determination shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, sixty day's notice, in writing, to remove his fences. If such owner does not remove his fences within sixty days, the commissioners shall cause such fences to be removed, and shall direct the road to be opened and worked.

In cases of appeal.

§ 25. If the determination of the commissioners shall have been appealed from, then the sixty days' notice shall be given after the decision of the supervisors upon such appeal shall have been filed in the office of the town clerk of the town.

Public roads and public highways.

Public roads.

§ 26. The public roads now existing by law are declared the public highways of the town in which they shall lay.

Private roads.

§ 27. Any person liable to be assessed for road labor, may apply to the commissioners of highways to lay out a private road, and the commissioner shall proceed to examine into the merits of such application, and be governed in their proceedings by the rules and regulations prescribed in this act, in relation to public roads. The damages as-

sessed, in consequence of the laying out of such private road, shall be paid by the person applying for the same.

§ 28. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated or improved lands, in conformity to the provisions of this act, and their determination shall not have been appealed from, they shall give the owner or occupant of the lands through which such road shall have been laid sixty days' notice, in writing, to remove his fences. If such owner shall not remove his fences within sixty days, the commissioner shall cause such fences to be removed, and shall direct the road to be opened and worked.

Repetition of
sec. 24.

§ 29. All public roads to be laid out by the commissioners of highways of any town shall not be less than four rods wide, and all private roads shall not be more than three rods wide.

Width of roads

§ 30. Every private road, when laid out, shall be for the use of the applicant applying for the same, his heirs and assigns, but not to be converted to any other use or purpose than that of a road.

Private roads,
their use.

§ 31. The public roads now existing by law, are declared the public highways of the town in which such roads shall lay, and this act shall not be construed as conferring any power, on commissioners of highways to alter state roads now or hereafter existing by law.

Repetition of
sec. 26.
Commissioners
to have no power
to alter state
roads.

ARTICLE TWENTY-FIFTH.

Miscellaneous Provisions.

§ 1. Each town acting under township organization shall constitute an election precinct, and the supervisor, assessor and collector shall be *ex officio* judges of elections. The supervisor, or, in case of his absence, the town clerk, shall post up notices of general elections, in like manner as is now required of sheriffs and county clerks, under the general laws of this state.

Towns to be
election pre-
cincts.

§ 2. The county judge, sitting as a county court, without associates, in counties acting under township organization, shall have the same jurisdiction of suits brought by collectors for taxes on delinquent lands and town lots as the county courts have under existing laws, and all acts of county courts, heretofore done in suits for taxes on delinquent lands and town lots, are hereby legalized.

County judge to
have jurisdic-
tion of suits
brought by col-
lectors.

§ 3. The several wards in the city of Chicago shall be entitled to elect one supervisor in each ward, in addition to the township supervisors, and the several supervisors so elected shall be members of the board of supervisors of Cook county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be pos-

Each ward in
Chicago to elect
a supervisor.

sessed and enjoyed by the several township supervisors, when voting as a county court. The election for such supervisors to be held at the same time and in the same manner as the election for township supervisors.

Question of township organization, when to be submitted to the people.

§ 4. Upon the petition of fifty legal voters of any county acting under township organization, it shall be the duty of the county clerk, upon the filing of such petition with him, to cause notices to be posted up in three of the most public places in each town of such county, at least twenty days previous to the next annual town meeting, that the question of township organization, under this act, will be voted upon. At such meeting said vote shall be taken by ballot, to be written or printed, or partly written and partly printed: "For township organization," or "Against township organization," and shall be canvassed and returned in like manner as votes for state and county officers.

Abolition of township organization.

§ 5. If it shall appear by the returns of said election, that a majority of all voters voting at such election have voted against township organization, then the county so voting shall cease to act under such organization, from and after the election and qualification of such county officers, as are provided for in such counties as have never adopted township organization.

Election of county officers.

§ 6. At the next general election after the voters of any such county have determined against township organization, there shall be an election for all the officers required by law in counties that have never adopted township organization, except such officers as may have been previously elected, and are entitled to hold over; and notice of such election shall be given as is now provided by law.

Duty of secretary of state.

§ 7. It shall be the duty of the secretary of state to cause to be printed, immediately on the adjournment of the general assembly, three thousand copies of this act, and shall cause the same to be forwarded to the county clerks of the several counties acting under township organization, to be by them distributed amongst the several towns in said counties.

Act repealed.

§ 8. An act entitled "An act to provide for township and county organization under which any county may organize whenever a majority of voters of such county, at any general election, shall so determine," is hereby repealed, but no rights accrued or liabilities incurred under said act shall be affected hereby.

This act applicable to townships heretofore organized.

§ 9. This act shall be applicable to counties or townships heretofore organized, as fully as to those that may be organized hereafter, and take effect on the first day of April next.

APPROVED February 17, 1851.

AN ACT authorizing the county court of Vermilion county to audit the account of Hiram Hickman, ex-collector of said county. In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Vermilion county is hereby authorized and required to audit the account of Hiram Hickman, late collector of said county, and make him such allowances for errors, double assessments of property and insolvencies as may seem just and right. Account of Hiram Hickman to be audited.

§ 2. Upon an allowance being made as aforesaid, the clerk of said court, under the seal of the court shall, certify to the auditor the amount and nature of said allowance as is now required by law. Clerks shall certify to the amount and nature of allowance.

§ 3. In case the board of supervisors of said county shall organize before the said county court shall audit said account, the said board of supervisors shall audit said account, and make the allowances as aforesaid. When board of supervisors shall audit.

§ 4. This act to take effect and be in force from and after its passage, and the auditor shall furnish the clerk of said court with a copy of this act. Duty of auditor.

APPROVED February 11, 1851.

AN ACT to legalize an election therein named.

In force Feb. 11, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an election held in the town of Pekin, in Tazewell county, on the twenty-sixth day of November, one thousand eight hundred and fifty, for the election of one justice of the peace and a collector, be and the same is hereby legalized, and James Harriott is hereby declared duly elected justice of the peace for said town and county, and shall hold his said office until the term thereof expires under the laws of this state, and until his successor shall be duly elected and qualified; and all the official acts of said justice heretofore done, or hereafter to be done, are hereby declared to be as legal and binding as if no informalities had occurred in the call made for said election; and William Standberry, jr., is hereby declared duly elected collector of said town of Pekin, and shall hold his said office until the next annual town meeting in said town, and until his successor shall be elected and qualified. Election legalized. Official acts legalized.

§ 2. The time for said collector to make his collections and returns is hereby continued until the fifteenth day of March next. Collection returns.

§ 3. This act shall be in force from and after its passage.

APPROVED February 11, 1851.

In force Feb. 12,
1851.

AN ACT to amend the recording laws of this state.

Penalty for neg-
lect of duty by
clerks.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any clerk of the circuit court of any county in this state, being recorder of deeds, who shall fail or neglect to perform any of the duties required to be performed by the seventh section of chapter eighty-seven of the Revised Statutes, entitled "Records and Recordors," or who shall fail or neglect to perform any of the duties required by the first section of the act amendatory of said above recited chapter, approved March 1, 1847, shall, for any such failure or neglect, forfeit and pay the sum of five dollars, with costs, recoverable by action of debt, before any justice of the peace of the proper county, in the name and for the use of any person who will sue for the same.

Be order to
make indexes.

§ 2. That whenever any recorder, heretofore in office, has neglected to keep up said indexes, it shall be the duty of the recorder now in office to make and complete said indexes mentioned in the preceding section, for which he shall receive a compensation of five cents for each tract of land embraced in the deed, mortgage or other instruments, to be paid out of the county treasury: *Provided*, that after said indexes are completed, no compensation shall be allowed to said recorders for keeping up said indexes.

Proviso.

§ 3. All laws in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force from and after its passage.

APPROVED February 12, 1851.

In force Feb. 12, 1851. AN ACT to authorize the county of Menard to transcribe records of Sangamon county.

Records to be
transcribed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of the county of Menard is hereby authorized and empowered, at any regular term thereof, to direct and authorize the clerk of the circuit court and *ex officio* recorder of Menard county to transcribe from the records of the county of Sangamon, all deeds, title papers, certificates, pa-

tents, town-plats and all other writings on record in the recorder's office of said county of Sangamon, appertaining to lands lying in the county of Menard.

§ 2. The said clerk shall, before entering upon the duties enjoined by this act, take and subscribe an oath or affirmation, carefully and faithfully to perform the same; which oath or affirmation may be administered and certified to the said court by any justice in said county, and shall also give bond in such sum as said court may determine, with good and sufficient security. Clerk to take oath.

§ 3. It shall be the duty of said county court of said county of Menard, as soon as may be convenient thereafter, to provide a sufficient number of suitable blank books, substantially bound, for the purpose contemplated in this act. Blank books to be provided.

§ 4. As soon as such book or books shall be delivered to the aforesaid clerk and *ex officio* recorder, he shall proceed to the office of the recorder of Sangamon county, and shall, from the books in said office, make out and record, in a fair and legible manner, in the book or books furnished him, all records contemplated by the foregoing provision of this act, and shall certify, at the end of each volume, that the deeds, certificates, title papers and all other writings contained therein, are true and correct copies from the records of the county of Sangamon. When the said clerk shall have finished transcribing the records contemplated by this act, he shall also certify that these books (naming or numbering them) contain all the records appertaining to real estate lying in the county of Menard, and on record in the recorder's office of Sangamon county. Clerk to make certificate.

§ 5. It shall be the duty of the recorder of the county of Sangamon, to permit the said clerk of Menard circuit court, and *ex officio* recorder, to make transcripts of all and every record required by the provisions of this act, and, for that purpose, to use the books in which such instruments may be recorded, free of charge. Duty of recorder of Sangamon.

§ 6. When the records made by authority of this act are completed, in the manner contemplated herein, and deposited in the recorder's office of Menard county, certified copies of the same, made by the recorder of Menard county, shall be evidence in all courts and places, and with the same effect as if made by the recorder of Sangamon county. Certified copies to be evidence.

§ 7. The said clerk and *ex officio* recorder of Menard county shall be allowed for his services, required to be employed in this act, the same fees now allowed by law for recording deeds, mortgages, and other instruments in writing, to be paid out of the county treasury of Menard county. Compensation.

§ 8. This act to be in force from and after its passage.
APPROVED February 12, 1851.

In force Feb. 12, AN ACT to establish the Fourteenth and Fifteenth Judicial Circuits, and for other purposes.
1851.

Fourteenth circuit.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Jo Daviess, Stephenson and Winnebago shall compose a judicial circuit, to be called the fourteenth judicial circuit, and that the circuit courts shall be holden at the respective county seats of the said counties, at the times following, to wit: In the county of Jo Daviess, on the second Monday in March, on the second Monday in May, on the fourth Monday in August, and on the fourth Monday in November; in the county of Stephenson, on the first Monday in April, on the second Monday in September, and on the second Monday in November; in the county of Winnebago, on the fourth Monday in April, on the fourth Monday in September, and on the third Monday in November, in each and every year.

Fifteenth circuit.

§ 2. *And be it further enacted,* That the counties of Adams, Hancock, Henderson and Mercer shall hereafter compose a judicial circuit, to be called the fifteenth judicial circuit. The courts of the fifteenth judicial circuit shall be held at the county seats of the respective counties, as follows, to wit: At the county of Hancock, on the first Mondays of March, June and October; in the county of Adams, on the third Monday in March, June and October; in the county of Henderson, on the third Monday of April and September; and in the county of Mercer, on the first Monday in May and September.

Election, when holden.

§ 3. There shall be an election holden in the respective counties composing the said fourteenth and fifteenth judicial circuits, on the first Monday of May next, for the election of circuit judges and state's attorneys of said circuits; which election shall be conducted, and returns thereof made and canvassed, in the manner provided by the constitution and laws of this state. Said judges and state's attorneys, when elected, commissioned and qualified, shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution, and until their successors are elected and qualified.

Notices of.

§ 4. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county courts of said counties shall issue notices for said election to the sheriffs thereof, respectively, notifying the electors of said elections; which notices shall be posted up by them in the several towns or precincts, in the like manner as provided by the constitution and laws of this state for holding general elections therein.

§ 5. The said circuit judges and state's attorneys, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had or hereafter to be required of or exercised by circuit judges and state's attorneys in this state, under the constitution and laws thereof, and shall receive the same compensation as other judges and state's attorneys are entitled to receive by the constitution and laws. Powers.

§ 6. The judges and state's attorneys, now having jurisdiction and exercising authority within said circuits, as above established, shall hold and exercise such jurisdiction and authority until the judges and state's attorneys in this act provided for shall have been elected, commissioned and qualified. Judges and attorneys.

§ 7. The counties of Henry and Rock Island are hereby added to and made a part of the sixth judicial circuit; and the circuit court of the several counties composing the sixth judicial circuit shall be holden at the county seats of the respective counties, at the times following, to wit: In the county of Ogle, on the second Monday in March and fourth Monday of August; in the county of Lee, on the fourth Monday in March and second Monday in September; in the county of Carroll, on the second Monday in April and fourth Monday in September; in the county of Whiteside, on the third Monday in April and first Monday in October; in the county of Henry, on the first Monday in May and third Monday in October; and in the county of Rock Island, on the second Monday in May and first Monday in November, in each and every year. Henry and Rock Island counties transferred.
Sixth circuit.

§ 8. *And be it further enacted,* That the fifth judicial circuit of this state shall hereafter be composed of the counties of Pike, Brown, Schuyler, McDonough, Cass and Mason. The spring terms of the said circuit shall be held as follows: In the county of Pike, on the third Monday in March; in the county of Brown, on the second Monday in April; in the county of McDonough, on the third Monday in April; in the county of Schuyler, on the fourth Monday in April; in the county of Cass, on the first Monday in May, and in the county of Mason on the second Monday in May. The fall terms of the said circuit shall be held in the county of Mason, on the first Monday in September; in the county of Cass, on the second Monday in September; in the county of Schuyler, on the third Monday in September; in the county of Pike, on the first Monday in October; in the county of Brown, on the fourth Monday in October; and in the county of McDonough, on the first Monday in November. Fifth circuit.

§ 9. All writs, subpoenas and other process which may have been or may be issued out of and made returnable to the terms of the circuit courts as heretofore required by Process.

law to be holden in the counties composing said fourteenth and fifteenth judicial circuits, or in the counties composing the sixth judicial circuit, as by this act constituted, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act; and all notices which may have been given, either by publication, or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of court as required to be held; and all proceedings pending in said courts, shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

Tenth circuit

§ 10. That the counties of Peoria, Fulton, Knox, Warren and Stark, shall remain the tenth judicial circuit, retaining the same judge and prosecuting attorney as heretofore, and that the terms of holding courts in said counties be as follows: In the county of Peoria, on the first Monday in March, the second Monday in May, the third Monday in August and the second Monday in November; in the county of Fulton, on the third Monday in March, on the first Monday in August and on the first Monday in November; in the county of Knox, on the second Monday in April and the second Monday in September; in the county of Warren, on the third Monday in April and on the third Monday in September; in the county of Stark, on the fourth Monday in April and fourth Monday in September, in each and every year. And all writs and process which may have been or may be issued and made returnable to the terms of court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts as required to be holden under this act. And all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of court as herein required to be held. And all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

§ 11. This act to take effect and be in force from and after its passage.

APPROVED Feb. 12, 1851.

In force Feb. 12, AN ACT to authorize the county court of Monroe county to borrow money and levy and collect a special tax.

Loan authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the county court of Monroe county be and is hereby authorized*

to borrow any sum of money, not exceeding ten thousand dollars, at any rate of interest, not exceeding ten per cent. interest, to be agreed upon, for the purpose of erecting a court-house in said county.

§ 2. The said county court, for the purpose of paying the interest upon such loan, and reimbursing the principal, are hereby authorized to levy and collect a special tax upon the property in said county, to be denominated the court-house tax, which shall be faithfully applied to the extinguishment of the debt created as above. County court to levy tax.

3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1851.

AN ACT to legalize the acts of the justices of the peace of Schuyler county.

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That each and all the acts, ministerial and judicial, of the several justices of the peace now holding commissions as such justices in and for the county of Schuyler, in this state, and which are otherwise in accordance with the constitution and laws of this state, are hereby legalized and declared to be binding and valid, any irregularity in their election and qualification to the contrary notwithstanding. Justices of the peace, acts of valid.

§ 2. That each and all such justices of the peace are hereby declared to be regular acting justices of the peace, in and for said county of Schuyler, to hold their offices, respectively, until the next regular election under the laws of this state for such officers, and until their successors are elected and qualified, and their action as such justices shall be binding and valid, any irregularity in their election to the contrary notwithstanding. Term of office.

§ 3. This act to be in force from and after its passage.

APPROVED Feb'y 12, 1851.

AN ACT to amend chapter 25 of the Revised Statutes, entitled "Corporations."

In force Feb. 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any five or more persons, being desirous of associating themselves together, for the purpose of forming an academy or seminary of learning in their neighborhood, may make, sign and Name of academy or seminary to be filed.

acknowledge, before any officer authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the recorder of the county in which said institution is to be established, a certificate, or declaration, in writing, in which shall be stated the name or title by which said institution shall be known in law, the number of trustees, and, as far as practicable, the principal branches of literature and science proposed to be taught.

Trustees, to be elected, and how.

§ 2. It shall be lawful for the persons associated together for the purposes named in the preceding section, or a majority of them, to meet at some public place in the neighborhood of the intended academy or seminary of learning, after giving ten days' notice thereof, by advertisements set up at three public places in the vicinity, or by notice in some public newspaper printed in the county, and then and there proceed to the election of not less than five nor more than seven trustees.

Clerk's certificate to be recorded.

§ 3. The clerks who may have acted as such at the election of said trustees, shall, within ten days thereafter, deposit in the recorder's office of the county in which said institution is to be established, a certificate of the election of said trustees, which shall be immediately recorded in some book in which deeds are recorded. And as soon as the clerk of such election shall deposit with the recorder of the county as aforesaid a certificate of said election, stating therein the name of the association, and for what object formed, and the names of the trustees elected, then and from that time the said trustees and their successors in office shall be created and remain a body corporate and politic, and in the name and style assumed by them shall remain in perpetual succession, with power to sue and be sued; to plead and be impleaded; to acquire, hold and convey property, real and personal; to have and to use a common seal; to alter the same at pleasure; to make and alter from time to time such by-laws as they may deem necessary for the government and regulation of such academy or seminary of learning, its officers, servants and property.

Corporation.

Sections 28, 29, &c., to be without force or effect.

§ 4. Sections 28, 29, 30, 31 and 32 of the act to which this is an amendment, are hereby declared to be of no force and effect as to all incorporations formed after the passage of this act, and the remaining sections of the second division of the chapter to which this is an amendment shall apply to all the corporations formed under the provisions of this act: *Provided*, that in all corporations so formed, each stockholder shall be entitled to one vote for each share of stock held.

Proviso.

§ 5. It shall be the duty of the trustees of any institution created under this act, or a majority of them, on or be-

fore the first Monday of January in each year, to file in the office of the secretary of state, and in the recorder's office of the county where the original certificate is filed, a statement of the trustees and officers of said institution, with an inventory of its property and liabilities, the number of students, and such other information as will exhibit its condition and operations.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1851.

AN ACT to amend an act entitled "An act granting certain pre-emption therein In force Feb. 13, 1849," approved February 12, 1849. Condition of institution to be filed. 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a pre-emption right be and the same is hereby granted to Robert Stevens, his heirs, assigns and legal representatives, to purchase from the state of Illinois, at the appraised value, the west half of the north-east quarter of section eleven (11,) in township thirty-five (35) north, of range ten (10) east, in Will county, in said state.

§ 2. All the provisions and restrictions of the act to which this is an amendment, applicable to the pre-emption in said act granted to said Robert Stevens, are hereby declared applicable to this act. Restrictions.

§ 3. This act to be in force from and after its passage.

APPROVED February 13, 1851.

AN ACT to confirm the doings of the county commissioners' court of Cook county, in relation to the use of a public road by the Chicago South-western Plank Road company, and to amend the charter of said company. In force Feb. 13, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the acts and doings of the county commissioners' court of Cook county, authorizing the Chicago South-western Plank Road company to have and to use the public road in Cook county, commencing at Chicago, to the west line of Cook county, and granting the right of way over the same to the said company, to enable them to lay plank thereon, and receive tolls from persons travelling over or on the same, as specified in their charter, be and the same is hereby approved and confirmed. Acts of county commissioner in relation to a plank road confirmed.

Funds, how collected and paid out.

President and secretary to issue orders.

§ 2. That all moneys called for by the Chicago South-western Plank Road company, as instalments upon stock, and all moneys collected as tolls upon its said road, and other funds of the company, shall be paid over to the treasurer thereof, and by him safely kept, and paid out, only upon the order of the president, and countersigned by the secretary, and it shall be the duty of the president and secretary to draw their orders upon the treasurer for such amounts, and to such persons, as the board of directors shall, from time to time, determine and order; and no order shall be drawn from the treasury except upon such orders as are authorized by the board of directors.

APPROVED February 13, 1851.

In force Feb. 14, 1851.

AN ACT to provide for the funding of certain bonds therein named.

Canal bonds declared internal improvement bonds.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so many of the canal bonds handed or paid over by the governor of this state to the fund commissioner, and by him applied to the completion of the Northern Cross railroad, from Jacksonville to Springfield, in pursuance of an act entitled "An act to provide for the completion of that part of the Northern Cross railroad from Springfield to Jacksonville, and for other purposes," approved February twenty-sixth, one thousand eight hundred and forty-one, as are now outstanding, shall be deemed and considered internal improvement bonds.

Bonds to be funded.

§ 2. The governor is hereby authorized and required to receive said bonds when they shall be presented, and fund the same, in pursuance of the provisions of the act entitled "An act to authorize the refunding of the state debt," approved February twenty-eight, one thousand eight hundred and forty-seven; and all the provisions of said last mentioned act are hereby made applicable to said bonds.

Certain stockholders not to be relieved from payment of excess.

§ 3. Nothing in this act contained shall be so construed as to relieve the stockholders in the Sangamon and Morgan railroad from the payment of the excess of the earnings of said road, over and above six per centum per annum, upon the cost of purchase and repair of said road, toward the interest of the uncanceled canal bonds used for the completion of said road, (including the bonds issued under the provisions of this act,) agreeably to the tenth section of an act entitled "An act to provide for the sale of a part of the Northern Cross railroad," approved February sixteenth, A. D. one thousand eight hundred and forty-seven.

APPROVED Feb. 14, 1851.

AN ACT to pay a prosecuting attorney therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts of this state be and he is hereby directed to issue his warrant upon the treasurer, in favor of Bushrod B. Howard, for the sum of two hundred dollars, for services done and performed as prosecuting attorney in and for the Jo Davies county court in this state.

Auditor to issue
warrant to
Bushrod B.
Howard.

§ 4. This act to take effect from and after its passage.
APPROVED February 14, 1851.

AN ACT to pay Burton C. Cook and David B. Campbell for services rendered the state in the second and third grand divisions of the supreme court

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of one hundred dollars be and the same is hereby allowed to Burton C. Cook, for professional services rendered the state in the third grand division of the supreme court, in the year one thousand eight hundred and forty-nine.

\$100 appropriated to B. C. Cook.

§ 2. The sum of one hundred dollars is hereby allowed to David B. Campbell, for professional services rendered the state in the supreme court of the second grand division of the supreme court, for the year one thousand eight hundred and forty-nine.

The same to D. B. Campbell.

§ 3. The auditor of public accounts is hereby authorized to issue his warrant on the treasurer, to the said Burton C. Cook and David B. Campbell, for the above mentioned sums.

Warrants to be issued.

APPROVED Feb. 14, 1851.

AN ACT to provide for the pay of a prosecuting attorney therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Anderson P. Corder be and he is hereby allowed the sum of one hundred dollars, for services rendered as prosecuting attorney in the third judicial circuit, appointed by the Hon. Judge Denning, under the last proclamation of the governor, to suppress riots and disorder in Massac county.

\$100 appropriated to Anderson P. Corder.

§ 2. *And be it further enacted,* That the auditor of public accounts be and he is hereby required to issue his

Auditor to draw warrants.

warrant on the treasurer in favor of the above named Anderson P. Corder, for the above specified amount, any defect in the law to the contrary notwithstanding.

APPROVED February 14, 1851.

In force Feb. 14, 1851. AN ACT in relation to the Illinois and Michigan canal, and the canal lands.

Penalties, when recovered before justice of the peace.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* All penalties provided by law in relation to the canal, and all penalties provided and mentioned in the "rules, by-laws and regulations" adopted and established, and which hereafter may be adopted and established by the board of trustees of the Illinois and Michigan canal, in pursuance and by virtue of section 15 of the "Act to provide for the completion of the Illinois and Michigan canal, and payment of the canal debt," approved February 21st, 1843, in all cases when the amount does not exceed one hundred dollars, may be sued for and recovered, by action of debt, before any justice of the peace of the county in which the cause of action accrued.

Penalty for injuring canal banks, &c.

§ 2. Any person or persons who shall wilfully and maliciously or wantonly injure any bank of the canal, tow-path, bridge, culvert, lock, aqueduct or any part of any portion of the canal, or any thing connected with or appertaining to the same, shall be deemed guilty of malicious mischief, and shall, on conviction, be fined in a sum not exceeding three hundred dollars, and be imprisoned not exceeding three months.

Reappraisal of lands and lots may be made.

§ 3. The said board of trustees of the Illinois and Michigan canal are hereby authorized to call together the board of appraisers, heretofore appointed for the appraisal of canal lands, and such board, or a majority of them, shall be and they are hereby authorized to re-appraise and value any such lots, lands or water power, as the said board of trustees shall designate and require to be re-appraised, and which have been heretofore exposed to sale at public auction and remaining unsold for want of bidders; and they are also authorized to re-appraise block seven, in the original town of Chicago, (known as the "basin block;") and also to appraise all such canal property as has not been heretofore appraised; and the appraisal and re-appraisal and valuation so made by such appraisers, shall have the same force and effect as the original appraisal heretofore made by them.

§ 4. In case of the death, resignation or refusal of any of said board of appraisers to serve, the judge of the circuit court in which such vacancy occurs, shall have power to fill such vacancy, and shall do so on the application of said board of trustees. Vacancy in board of appraisers, how filled.

§ 5. This act to be in force from and after its passage.

APPROVED February 14, 1851.

AN ACT to relocate a portion of the road from Springfield to Beardstown.

In force Feb. 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Peter Cartwright, William Carson and Jacob Epler be and they are hereby appointed commissioners to relocate so much of the state road leading from Springfield to Beardstown, as lies between the head of Richland creek timber and the east line of Cass county; having due regard to private property. Commissioners.

§ 2. That said commissioners shall meet on or before the first day of June next after the passage of this bill, or as soon thereafter as possible, at the house of Peter Cartwright, and take an oath before some justice of the peace of Sangamon county, well and truly to perform the duties required of them by this act. To take oath.

§ 3. When said commissioners shall have viewed the said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay said plat before the county court of Sangamon county, as soon as practicable after the completion of the same, and the road so relocated is hereby declared the state road; and so much of the old road affected by said relocation is hereby vacated. Their duty.

§ 4. That said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the county court of Sangamon county to record said plat in the records of their office. Plat of road to be evidence.

APPROVED Feb'y 14, 1851.

AN ACT authorizing the trustees of the Illinois and Michigan canal to lease water power in the town of Ottawa, and to settle for damages. In force April 18, 1851.

For the better enabling the trustees of the Illinois and Michigan canal to create a surplus of water in the town of Ottawa, and lease the same as contemplated prior to the Preamble.

passage of the act of the 21st of February, 1843, providing for the completion of said canal, and required thereby—

Consent on the
part of the
state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, as follows:* The state of Illinois hereby declares its assent to the following alterations and additions to the act entitled "An act to provide for the completion of the Illinois and Michigan canal, and for the payment of the canal debt," approved 21st February, 1843.

To create sur-
plus water.

1st. The board of trustees to the said canal may create surplus water in the town of Ottawa, and lease the same, with the ground upon which to use it, upon such terms and conditions as they may deem advisable.

To settle with
owners of land
&c.

2d. The said trustees are hereby authorized to settle with any of the owners of land or water power on Fox river, for the damages they may sustain by reason of the diversion of the water of said river into said canal, for the purpose of creating surplus water to be leased for hydraulic purposes in said town, and pay for the same; or may give in exchange, water in said town, to be drawn from said canal, or its branch, and the ground upon which to use it, either in perpetuity or for a term of years, and to execute such conveyances, covenants and leases as may be necessary or proper to accomplish that object.

To make con-
veyances, &c.

To acquire con-
trol of water
power.

§ 2. The said trustees are further authorized to acquire the free and sole use and control of the water which may be drawn from Fox river through the Fox river feeder, by giving to the owner or owners, or claimants, or any or either of them, of the water power in Dayton, or said feeder water in Ottawa, and the ground upon which to use it, either in perpetuity, or for a term of years, upon such terms and conditions as they may deem best for the interest of the state and of the canal fund; and for this purpose may execute all such conveyances, covenants and leases as may be deemed necessary or proper.

Doings of trust-
ees to be bind-
ing on state.

§ 3. The acts and doings of the said trustees, done in pursuance of this act, shall be binding upon the state.

APPROVED Feb'y 14, 1851.

In force Feb. 14, AN ACT to exempt members of the fire department of the city of Chicago from serving as jurors.

Firemen exempt
from jury ser-
vice.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That from and after the passage of this act, the members of the fire department of the city of Chicago shall be exempt from serving as jurors, in all cases.*

§ 2. That all members of the fire department of the city of Chicago, who have served for ten years, or who may hereafter serve for ten years in said department, shall forever after be exempt from serving as jurors.

APPROVED Feb. 14, 1851.

Perpetual exemption after ten years' service.

AN ACT changing the time of holding the circuit courts in the second judicial circuit. In force Feb. 14, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts in the second judicial circuit shall be held at the times hereinafter mentioned: In the county of St. Clair, on the second Mondays of March and August; in the county of Madison, on the third Mondays after the second Mondays of March and August; in the county of Monroe, on the sixth Mondays after the second Mondays of March and August; in the county of Randolph, on the Mondays following; in the county of Perry, on the Mondays following; in the county of Washington, on the Mondays following; in the county of Clinton, on the Mondays following; in the county of Bond, on the Mondays following; in the county of Fayette, on the Fridays following; in the county of Montgomery, on the Wednesdays following, to continue until the business is disposed of.

Time of holding courts.

§ 2. All writs, subpoenas, and any other process which may have been or may be issued and made returnable to the terms of courts in the said circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts as required to be holden under this act, and all notices which may have been given, either of publication, or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts so required to be held under this act; and proceedings pending in any of said courts shall be taken up and disposed of according to law, as if no alteration had been made in the times of holding said courts.

Writs heretofore issued, how returnable.

§ 3. This act shall, upon its passage, be published in the paper of the public printer, and the secretary of state shall immediately thereafter transmit a copy thereof to each of the clerks of said courts.

Duty of secretary of state.

§ 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. This act to take effect from and after its passage.

Acts repealed.

APPROVED Feb. 14, 1851.

In force Feb. 13, AN ACT amendatory to "An act relating to the improvement of the navigation of the Saline river," approved March 4, 1837.

Preamble.

Whereas by an act of the General Assembly of the state of Illinois, entitled "An act relating to the Gallatin Saline, and the lands belonging to the same," approved sixteenth January, one thousand eight hundred and thirty-six, and an act amendatory thereof, entitled "an act relating to the improvement of the navigation of the Saline river," approved March fourth, one thousand eight hundred and thirty-seven, John Crenshaw and others were appointed commissioners to expend an appropriation made by the first of said acts, and in execution of their trust purchased lands in the name of the commissioners of navigation; and whereas John Crenshaw is the only surviving and acting commissioner under said acts—

Contracts legalized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all contracts made by the said John Crenshaw, as such surviving and acting commissioner, be and the same are hereby legalized and confirmed.

Sales authorized.

§ 2. *Be it further enacted,* That the said John Crenshaw, as such commissioner, is hereby authorized, empowered and directed to make sale of the lands so purchased by the said commissioners, for cash, and the purchase money under such sale or sales paid into the office of the state treasurer, and there held as a deposit for the purpose of improving the navigation of the Saline river, under such appropriation thereof as may hereafter be made; and the certificate of the state treasurer shall be evidence of such payment.

Conveyances.

§ 3. *Be it further enacted,* That the said John Crenshaw, as such commissioner, is hereby authorized and empowered to make, execute, and acknowledge all deeds of conveyance, or other instruments of writing necessary to carry into effect the provisions of this law.

Acts repealed.

§ 4. All acts and parts of acts not consistent with the terms of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

APPROVED Feb. 13, 1851.

In force Feb. 14, AN ACT to extend the time for the collection of the revenue of Champaign county for 1850.

Preamble.

Whereas the assessor of Champaign county failed to complete the assessment of the taxable property in said county for the year A. D. 1850, within the time required by law; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the collector of the county of Champaign for the year 1850, be and he is hereby allowed until the first Monday of October, 1851, to collect and make a final settlement for the taxes of said year 1850: *Provided,* that the said collector shall file with the clerk of the county court an instrument in writing, under the hands and seals of the persons who are sureties on the bond of the collector aforesaid, showing their agreement and consent to the extension of time allowed by this act. Time extended

§ 2. The assessment mentioned in the first section of this act is hereby declared to be as good and valid as if the same had been completed within the time required by law, and the collector is hereby authorized to give notice and collect in the several precincts as now required by law, at any time prior to the first day of May next. Assessments legalized.

APPROVED Feb. 14, 1851.

AN ACT to authorize the location of a state road therein named.

In force Feb. 14,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Edmond Richards, of Macoupin county, S. G. M. Allis, of Morgan county, and Martin Millan, of Sangamon county, are hereby appointed commissioners to view, locate and mark a state road commencing on the range line between ranges seven and eight, where the county road leaves said line, being the north-west corner of the south-west quarter of section six, township twelve north, range seven, west of the third principal meridian, in Macoupin county, and running north on said line to the corner of Morgan and Sangamon counties, thence due north on said line two miles from said corner, thence in a northern direction, on the most feasible and equitable route, to intersect the Vandalia road, at or near Wemple's lane. Commissioners.

§ 2. Said commissioners, or a majority of them, shall meet at the place of beginning, within one month after the passage of this act, and after having been qualified before some justice of the peace of either of the counties of Sangamon, Morgan or Macoupin, proceed to view, locate and mark said road according to the first section of this act, and within one month after the location of said road make return thereof to the county courts of the counties of Morgan, Sangamon and Macoupin; and when said returns are received the said courts shall cause said road to be opened and worked as other state roads are required to be worked. When to meet and make returns.
Road to be opened and worked as state road.

Compensation.

§ 3. Said commissioners shall be allowed one dollar each per day for the time necessarily engaged in locating said road, and making returns thereof, to be paid out of the county treasuries of the several counties through which said road passes, in equal amount from each.

This act to be in force from and after its passage.

APPROVED Feb. 14, 1851.

In force April
18, 1851.

Special tax.

AN ACT to amend the act establishing the Illinois State Hospital for the Insane.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the special tax authorized to be levied and collected for the purpose of creating the "fund for the insane" shall be increased to one third of a mill for the present and succeeding years, until otherwise provided by law, and so much of said fund as may be necessary shall, after the completion of the buildings provided for in the act to which this is an amendment, be used in defraying the expenses of the institution: *Provided*, that not more than one hundred and fifty dollars per annum shall be paid for each state patient.

Act repealed in
part.

§ 2. So much of the act to which this is an amendment as requires counties to pay costs and charges attending the treatment of insane paupers, is hereby repealed; and the costs and charges of keeping insane persons residing in this state shall be paid out of the "fund for the insane."

Duty of trustees

§ 3. The trustees of said institution shall proceed to finish and furnish rooms in the building for the reception and care of patients, with all reasonable diligence; and for this purpose they may use "the fund for the insane," provided that such use of the fund shall not interfere with the finishing the building under existing contracts.

Who to be re-
ceived.

§ 4. The trustees are authorized to receive and detain in the institution all residents of this state who may be decided to be insane or distracted, by any court or judge vested with jurisdiction or power to adjudicate upon questions of sanity or insanity; and the order of such court or judge, or a certified copy thereof, under the seal of court, shall be evidence of [in] all courts and places wherein the right to keep or detain any person or persons shall be called in question.

Jurisdiction of
county courts.

§ 5. The county courts of the several counties in this state are hereby vested with jurisdiction to hear and determine all questions which may arise in their respective counties, touching the sanity or insanity of persons residing therein, and the possession of a right to property shall not

affect the question of jurisdiction; also of all questions which may arise under the provisions of chapter fifty of the Revised Statutes, entitled "Idiots and Lunatics." And the said courts and county judges shall and may proceed in the adjudication of all questions arising under the provisions of said chapter, in the same manner and with the like effect as circuit courts or judges thereof.

§ 6. Proceedings had before judges in vacation, under the provisions of this act, shall be recorded at the next regular or special term of the court. Acts in vacation

§ 7. Whenever any person shall be found to be insane or distracted, before any court or judge, the sheriff of the county shall be furnished with a certificate by the clerk of the court, if the proceeding was had in court, or by the judge, if such proceeding was had in vacation, stating that in a proceeding had before such court or judge, such person, naming him or her, had been found to be insane or distracted, as the fact may have been, and that such insane or distracted person was thereupon ordered to be conveyed to "The Illinois State Hospital for the Insane;" which certificate shall constitute the authority of the sheriff, or any other person to whom the same may be delivered, to convey such insane or distracted person to the said hospital; and also the authority of the trustees to keep and detain him or her therein. Certificate to sheriff. Duty of sheriff.

§ 8. Persons who have heretofore been found or decided to be distracted or insane, may be conveyed to and detained in said hospital, and a certified copy of the order of court, or judge appointing the conservator, shall authorize the reception and detention of all such persons. Persons heretofore declared insane.

§ 9. The trustees of the hospital shall publish a notice in two newspapers published at the seat of government, three months in advance of the time when the building will be prepared for the reception of patients, and a copy of such notice shall be forwarded by mail to the judge and clerk of every county court in the state, on the first publication thereof, stating the time when patients will be received, and requesting that information will be forwarded to said board, of the names, ages and sex of all insane and distracted persons in the state, with a statement in reference to each—first, of the duration of the disease, dating from the first symptoms; second, the supposed exciting cause of the disease; third, whether or not the disease is hereditary; fourth, whether the patient has made any attempt to commit any violence upon him or herself, or others: upon the publication of which notice and request, all persons having charge of insane or distracted persons, judges and clerks of county and circuit courts, shall, without delay, be furnished the information desired, in respect to all insane and distracted persons known to them; and one

month before the time fixed for the reception of patients, the trustees shall, with the assistance of the medical superintendent, make a list of all the names furnished, and select from them the number to be received, having regard to the provisions of the act establishing the hospital; and notice shall thereupon be given to all persons who have furnished names as aforesaid of the persons so selected; and, also, that in case any patient so selected shall not be conveyed to the hospital within twenty days after the time fixed for the reception thereof, that another or other selections will be made, so that the person or persons not being conveyed as aforesaid will not be received until the further order of the board.

Married women
and infants.

§ 10. Married women and infants, who in the judgment of the medical superintendent are evidently insane or distracted, may be received and detained in the hospital on the request of the husband, or the woman, or parent, or guardian of the infants, without the evidence of insanity or distraction required in other cases.

Expenses.

§ 11. The expenses of conveying paupers to the hospital shall be paid by the counties in which they reside, and the expense of carrying others shall be paid by conservators, husbands, parents or guardians; and in no case shall any such expense be paid out of "the fund for the insane."

Persons labor-
ing under con-
tagious dis-
eases.

§ 12. No person, laboring under any contagious or infectious disease, shall be admitted into said hospital as a patient.

Sheriff to em-
ploy assistance,
when.

§ 13. In conveying patients to the hospital for the insane, the sheriff may employ one assistant for each patient, and the compensation to the sheriff shall be five cents per mile, going and returning, and two dollars per day, computing one day for every thirty-five miles travel, on the usual route of the United States mail, and one half of said amount to the assistant; which compensation shall be paid by counties, in cases of paupers, and by conservators, husbands, parents and guardians in other cases.

Clothing.

§ 14. Clothing for paupers shall be furnished or paid for by the counties in which they resided, and the judge of each county court shall furnish all necessary clothing, at the expense of such counties; and a certificate of the judge, of the purchase of clothing or goods to be made up for the use of patients, shall be received in payment of county revenue the same as county orders.

Penalties of
bonds.

§ 15. Hereafter the penalties of bonds required of conservators shall be fixed with reference to the value of personal property and rents, and when orders are made for the sale of real estate by courts, additional bonds may be required, with conditions to account for the proceeds of such sales according to law.

§ 16. The medical superintendent shall not be required to serve on juries, work on roads, or to attend any court as a witness in a civil suit, but parties desiring his testimony in any case shall be allowed to take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony may be desired shall, upon being satisfied of the materiality of his testimony, require his attendance.

Medical sup't
exempt from
jury service.

§ 17. All persons employed in the hospital, whilst so employed, shall be exempt from serving on juries, working on roads, and in time of peace, from performing military duty.

Employees ex-
empt from jury
service, &c.

§ 18. The biennial reports of the trustees to the general assembly shall hereafter be printed, under the direction of the board, before the meeting of the general assembly, so that said reports may be placed on the tables of the members during the first week of the session: *Provided*, that not more than one thousand copies shall be printed for the use of the general assembly, and a like number for the use of the hospital.

Biennial reps.

§ 19. If the funds appropriated to defray the expenses of the Hospital for the Insane, for the years one thousand eight hundred and fifty-one and fifty-two, shall prove insufficient, the governor may, upon being satisfied of the necessity thereof, make an order on the auditor, directing him to issue a warrant on the treasury for a loan, not exceeding five thousand dollars, payable in such sums and at such times as the governor may direct; and whatever amount may be so drawn from the treasury, shall be refunded out of the "fund for the insane," when collected.

Defi-
ciency of
funds, how sup-
plied.

APPROVED Feb. 15, 1851.

AN ACT to provide for the distribution of certain school funds herein named. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the school commissioner of Cumberland county, be and he hereby is required to divide and apportion the interest on the school, college and seminary fund for said county, and the township trustees the township fund of the several townships which accrued for the year 1850 and is undistributed, or which may accrue for the year 1851, on an examination of scholars, to be made on or before first Monday of April, 1851.

Commissioners
to apportion.

§ 2. Any district in said county which has neglected to elect their directors, may elect such directors by meeting at their school house on the first Saturday of March, 1851,

Directors elect-
ed.

at six o'clock, P. M.; of which meeting this act shall be taken and deemed legal notice.

§ 3. This act to take effect from and after the passage.
APPROVED Feb. 15, 1851.

In force Feb. 15, AN ACT to amend an act entitled "An act to establish the Illinois Institution for the Education of the Blind."

Officers, term of limited.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the term of office of the president and trustees of the Illinois Institution for the Education of the Blind shall be and is hereby limited to two years; the trustees now in office shall continue in office until the governor, by and with the advice and consent of the senate, shall appoint others; and it shall be the duty of the governor, by and with the advice and consent of the senate, immediately after the passage of this act, to appoint five trustees for said institution; and the governor shall biennially hereafter, by and with the advice and consent of the senate as aforesaid, appoint five trustees for said institution; and the board of trustees shall have the power, from time to time, to fill vacancies that may happen by death, resignation or otherwise, in their own body, between the biennial appointments made by the governor. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the same duties as the present board.

How appointed.

Vacancies, how filled.

Officers of hospital for the insane, term of office limited.

How appointed.

Vacancies, how filled.

§ 2. That the term of service of the president and trustees of the Illinois State Hospital for the Insane, shall be and it is hereby limited to two years. The trustees now in office shall continue in office until the governor, by and with the advice and consent of the senate, shall appoint others; and it shall be the duty of the governor, by and with the advice and consent of the senate, immediately after the passage of this act, to appoint nine trustees for said institution; and the governor shall biennially hereafter, by and with the advice and consent of the senate as aforesaid, appoint nine trustees for said institution. And the board of trustees shall have the power, from time to time, to fill vacancies that may happen, by death, resignation or otherwise, in their own body, between the biennial appointments made by the governor. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the same duties as the present board.

§ 3. That in addition to the tax of one tenth of a mill on every dollar's worth of taxable property in the state, required to be assessed and collected by the act entitled "An act to establish the Illinois Institution for the Education of the Blind," approved on the thirteenth day of February, one thousand eight hundred and forty-nine, to aid in establishing and maintaining said institution, there shall be assessed and collected for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, a tax of one tenth of a mill upon every dollar's worth of taxable property in the state; the proceeds of which shall be applied to the completion of the building now in the course of erection, and which additional tax shall be assessed and collected in the same manner as the one tenth of a mill provided for in the act above recited.

§ 4. That if in any county the tax required to be assessed and collected by this act shall not be collected for either or both of said years herein provided for, the same shall be assessed and collected for a subsequent year or years, so that said tax shall be assessed and collected in every county in this state for two years.

§ 5. That the sum of five thousand dollars is hereby appropriated to aid in the completion of the building for the Institution for the Blind, payable during the present years, out of any money in the treasury not otherwise appropriated; which said sum of five thousand dollars shall be refunded to the treasury out of the proceeds of the tax provided for in this act.

§ 6. That the special tax required to be assessed and collected by the act to establish the Illinois State Hospital for the Insane shall be assessed and collected for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, in the manner and for the purpose expressed in the said act.

§ 7. The number of trustees for the Hospital for the Insane shall be reduced to seven.

§ 8. That if in any county there has been or shall be a failure to assess and collect the special tax, for any one or more years required to be assessed and collected for the use of the Hospital for the Insane, the said tax shall hereafter be assessed and collected in any such county the one or more years in addition to the years provided for in this act, so that the said tax shall be assessed and collected in every county in the state an equal number of years.

§ 9. That the sum of six thousand dollars shall be and the same is hereby appropriated to aid in the completion of the building of the Hospital for the Insane, payable out of the treasury in sums of one thousand dollars, as the same may be required for use; which said sum of six thousand

dollars shall be refunded to the treasury, out of the tax authorized to be collected under the provisions of this act.

This act shall take effect from and after its passage.

APPROVED February 15, 1851.

In force April,
18, 1851.

AN ACT creating a fund for the education of the deaf and dumb.

Additional
fund.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, a separate fund is hereby created and established, in addition to the fund provided for in the act of incorporation, to be denominated "The fund for the education of the deaf and dumb," which shall consist of one sixth of a mill upon each dollar's worth of taxable property in the state, to be taken and deducted from the tax of two mills on the dollar authorized to be assessed and collected for paying the ordinary expenses of government, by the act passed on the first day of March, one thousand eight hundred and forty-five, entitled "An act to provide for paying a portion of interest on the state debt; and as the revenue of the state is collected and paid into the treasury, the auditor shall direct the treasurer to credit the aforesaid fund by the amount of said one sixth of a mill, in a separate account to be kept for that purpose.

Drawn monthly.

Proviso.

§ 2. The said one sixth of a mill shall be collected and paid in current money of the United States, and shall be drawn from the treasury monthly, as required for use, upon warrants of the auditor: *Provided*, that not more than one hundred and twenty dollars per annum of said fund shall be paid for each state pupil attending said institution; and the president of the board of directors shall furnish the auditor with a catalogue of the pupils in attendance on the first of December and first of July, annually, and the excess of the said fund which shall remain after the payment of the said one hundred and twenty dollars per pupil, for each pupil shall be used in the erection of the north wing of the building until that is completed, and thereafter the said excess shall be transferred to the treasury and used for ordinary purposes of government.

Proceeds of farm
how applied.

§ 3. The proceeds of the sales of the productions of the farm and garden, and of sales of manufactured articles, and the receipts for work performed by the pupils and others in the employment of the directors, shall be applied to the uses of the institution, under the direction of the board of directors.

§ 4. The act passed on the twenty-third day of February, one thousand eight hundred and forty-seven, entitled "An act making further provision for the education of the deaf and dumb," is hereby repealed, and the first and second sections of this act shall operate upon the revenue of the year one thousand eight hundred and fifty-one, and every year thereafter, until otherwise provided by law. Act repealed.

§ 5. That to defray the ordinary expenses of the said institution for the year one thousand eight hundred and fifty-one, and until the fund created by this act shall be available, the sum of ten thousand dollars is hereby appropriated, payable out of any money in the treasury in sums of not exceeding one thousand dollars, as the same may be required for use. Appropriation.

§ 6. The sum of ten thousand dollars is hereby appropriated, to be used in completing the centre building of the institution, payable out of any money in the treasury not otherwise appropriated, in sums of not exceeding two thousand dollars, as the same may be required for use.

§ 7. That to enable the directors to purchase a lot of land containing about twelve acres, situated adjoining to and west of the land now owned by the institution, the sum of one thousand dollars is hereby appropriated, payable out of any money in the treasury not otherwise appropriated. Appropriation to buy lot.

This act shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT supplementary to an act entitled, "An act to levee and make certain improvements on the Wabash river," approved February 15th, 1847. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joseph Riley and John Shephard be appointed commissioners to fill the vacancy occasioned by the death of Archibald C. Baird and Charles D. Emmons, in the board of commissioners created by the act to which this is supplementary; and that hereafter where any vacancy in said board shall arise from death, resignation, or otherwise, that the same may be filled by appointment by the board until the next ensuing election. Vacancies filled.

§ 2. That the said board of directors shall cause the said levee to be extended down to the river to some convenient point below the Olney, Lawrenceville and Wabash Plank road, as may be deemed advisable by said board. Levee extended.

§ 3. That the boundaries of the territory in the second section of the act to which this act is supplementary, shall Boundaries enlarged.

be enlarged so as to embrace within its limits the whole of township four north, range eleven west.

Acts confirmed. § 4. That all acts heretofore done by the board of commissioners aforesaid, in pursuance to the act of the legislature aforesaid, entitled "An act to levee and make certain improvements on the Wabash river," approved February eighteenth, one thousand eight hundred and forty-seven, be and the same are hereby confirmed.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851. AN ACT granting a pre-emption upon certain lands in Alexander county.

Preamble.

Whereas Daniel H. Brush, of Jackson county, Illinois, and Alexander P. Gross, of Alexander county, in the state aforesaid, did, some time in the month of March, A. D., 1850, apply to the register of the land office at Kaskaskia, for the purpose of entering the following described lands, to wit: the east fractional half of the north-east quarter of section twenty-one; the west half of the north-west quarter of section twenty-two; the north-east quarter of the north-west quarter of section twenty-two; the west half of the north-east quarter of section fifteen; the west half of the south-east quarter of section ten; the north-east fractional quarter of the north-west quarter of section ten; and the south-west quarter of the south-west quarter of section three; all in township number sixteen south, of range number two west, situate in the said county of Alexander: at which time, there being no receiver at said land office, they could not enter said land. That afterwards, on or about the 10th day of May, 1850, they again made application to the register of said land office, for the entry of said land, but could not enter because there was still no receiver. That afterwards, on the 17th of July, in the year aforesaid, they, the said Daniel H. Brush and Alexander P. Gross, made out a formal application and filed it with the register of the said land office, for the purpose of entering and securing said land above described, and made a tender of the money therefor, but were then prevented from entering the same for the reason that the surveyor general of Illinois and Missouri, on account of some informality and error in the original survey and plat of some of the lands in said township, had forwarded to the register of said land office an order suspending all the land in the said township from sale, and

had ordered a re-survey of a part of said township. That before the said re-survey was made, and a plat thereof returned to said land office, the general government granted to the state of Illinois all the swamp and overflowed lands within her borders, (under which class it is supposed the above described lands will come,) and suspended from sale all lands within eighteen miles of the third principal meridian line, the above described lands being included.

And whereas the said Daniel H. Brush and Alexander P. Gross, in the assurance of being able to secure said land, went upon the same and have there expended an amount of money exceeding the sum of one thousand dollars; which will be a total loss to them unless they can yet succeed in getting said land, and have used all reasonable diligence to enter the same, having been always ready and anxious to pay over the money for the same, but have been, by the circumstances aforesaid, prevented from so doing; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Daniel H. Brush and Alexander P. Gross shall be (if the above described lands fall to the state of Illinois, in consequence of the grant of the general government to the state of all the swamp and overflowed lands,) allowed and permitted to enter the same within twelve months from the time the said lands are subject to sale, by paying therefor the amount required to be paid for such lands, and in such manner as may be directed by law, any law to the contrary notwithstanding. Pre-emption allowed.

§ 2. This act shall take effect from and after its passage.

APPROVED February 15, 1851.

AN ACT authorizing E. G. Sanger to collect the back taxes for the years 1847, 1848 and 1849 in the county of Peoria. In force Feb. 15, 1851.

Whereas the people of the state of Illinois have recently recovered a judgment for the sum of \$7,072 42 against William S. Moss, Clack Cleveland and John Evalt, as securities of William Compher, late sheriff and collector of Peoria county, upon the official bond of said Compher for the faithful performance of his duties as collector of Peoria county, for the year 1849, executed by said Compher as principal, and said Moss, Cleveland and Evalt as securities; which said judgment said Moss, Cleveland and Evalt are liable to pay; and whereas said Compher has Preamble.

departed from the state, leaving a considerable amount of taxes for the years 1847, 1848 and 1849 still in arrear and unpaid, and Ezra G. Sanger having been appointed receiver by the circuit court of Sangamon county, to collect all debts and demands due to said Compher, from all persons whomsoever, for the benefit of the state or said securities, and executed a bond, with approved security, for the faithful performance of his duties; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Ezra G. Sanger be and he is hereby fully authorized and empowered to collect and receive all taxes, both state and county, still remaining unpaid in Peoria county, for the years 1847, 1848 and 1849, upon the assessments of said years, and that he be empowered to enforce the collection of said taxes by distress and sale of personal property, and by sale of real estate, and all other ways and means, in the same way and manner that said collector might have done during his continuance in office; and further, that it shall be lawful for said Sanger to obtain a judgment against all lands and town lots upon which taxes remain unpaid, for any of said years, at any regular term of the county court of said Peoria county, upon giving the notice and making the report required to be given and made in cases of applications for judgments and sales by sheriffs or collectors: Provided, that sales of real estate conveyed subsequent to the time at which it might have been sold for the taxes due as aforesaid, shall be void.*

§ 2. That the same title shall be vested in the purchaser of property, real or personal, purchased under this act, as would be vested in said purchaser had such sale been made by said collector during his continuance in office, in accordance with all the provisions of law.

§ 3. That said E. G. Sanger be entitled to the same fees, costs and charges for his services in collecting the said taxes, as said collector would have been entitled to for the same services: *Provided*, that no fees, costs or charges shall be credited on the judgment aforesaid, nor be paid by the state.

§ 4. This act to be in force from and after its passage.
APPROVED Feb. 15, 1851.

In force April 18, 1851. AN ACT to amend chapter eighty-eight of the Revised Statutes, approved March 3^d 1845, entitled "Replevin."

Goods not found,
value thereof
recoverable.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That*

whenever in any action of replevin the goods and chattels specified in the writ of replevin to be replevied cannot be found by the officer having such writ, or shall not have been delivered to the officer, the defendant shall be summoned by virtue of such writ by the officer reading the same to him, to appear and answer to the plaintiff's action for the recovery of the value of such property. Such reading of the writ to have the same force and effect as the service of summons in other actions.

§ 2. In such action of replevin, in case the property named in such writ shall not be found or replevied, or shall not have been delivered as aforesaid, and the defendant shall have been summoned as aforesaid, the plaintiff may file his declaration in trover, and the cause shall be heard and determined as other actions of trover; and the plaintiff, if he shall recover, shall be entitled to judgment and execution for the value of such property, or of his interest therein, and such damages as he shall have sustained by reason of the wrongful taking or detention thereof, together with the costs of suit.

Declaration in trover, to be filed.

APPROVED February 15, 1851.

AN ACT supplemental to an act entitled "An act making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government until the adjournment of the next regular session," approved February 12, 1849. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall be allowed to the secretary and assistant secretary, and sergeant-at-arms of the senate, to the clerk and assistant clerk and principal door-keeper of the house of representatives, the sum of five dollars per day; to the enrolling and engrossing clerks and assistant sergeant-at-arms in the senate, and the enrolling and engrossing clerks and assistant door-keeper of the house of representatives, the sum of four dollars per day, any thing in the act to which this is a supplement to the contrary notwithstanding. Compensation to officers of general assembly.

APPROVED February 15, 1851.

AN ACT submitting to the people an amendment to the constitution.

In force April 18, 1851.

Whereas at the last session of the general assembly an amendment to the constitution of this state was proposed in Preamble.

the senate, and agreed to by two-thirds of all the members elect previous to the general election held for members of the house of representatives, on the Tuesday next after the first Monday in November, eighteen hundred and fifty, and referred to the present session of the general assembly, and agreed to by a majority of all the members elect, in each branch thereof; which amendment was and is proposed as a substitute for, and to stand in the place of the fifteenth article of the constitution; which amendment is in the words and figures following, to wit:

“ARTICLE 15.

“There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar’s worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and constitute a sinking fund, to be used in such manner as may be prescribed by law, for the purpose of purchasing, in open market, any of the indebtedness of the state, bearing interest, other than the canal registered indebtedness, the school indebtedness, [and such other indebtedness] as is not fully recognized by the laws of the state;” therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said amendment be submitted to the people at the general election to be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and fifty-two, for the adoption or rejection, in manner following: It shall be the duty of each elector voting at said election for members of the house of representatives in the several counties in this state, to cause to be written or printed on his ballot the word “adopt,” or “reject,” as he may vote for or against said amendment.

§ 2. When the judges of election, or board and clerk, shall canvass the votes polled at the places, respectively, of holding said election, and shall have made the ballots to agree with the poll list as aforesaid, in the 17th section of the act passed on the twelfth day of February, eighteen hundred and forty-nine, entitled “An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes,” the clerks shall carefully mark down, in a column provided for that purpose, appropriately headed, the number of votes cast in favor of the proposed amendment, and designated by the word “adopt,” written or printed on the ballots, and shall also carefully mark down in a column, to be appropriately headed, the

Amendment
submitted to
the people.

Ticket.

Clerk of elec-
tion, duty of.

whole number of votes cast for members of the house of representatives.

§ 3. As soon as the number of votes given for the said amendment and the whole number of votes given for members of the house of representatives, at the respective places of holding said election, are ascertained, the judges, or board of election, shall make out a certificate, under their hands, stating the number of votes given for said amendment, and the whole number of votes given for members of the house of representatives, in the form and manner prescribed in the twenty-third section of the thirty-seventh chapter of the Revised Statutes, entitled "Elections," and shall cause said certificate, sealed up, as now required by law, to be delivered to the clerk of the county court, within the time and at the places now required by law for the returns of elections. Judges to certify.

§ 4. When the clerk of the county court shall have received the returns of the several precincts of his county, he shall canvass the same, and certify, under the seal of his office, the number of votes given for said amendment in the county of which he is such clerk, and also the whole number of votes given in such county for members of the house of representatives, and shall transmit the same by mail to the office of the secretary of state, indorsed "vote of the county on the amendment of the constitution." Clerk to certify.

§ 5. Upon the receipt of the said returns from all the counties in the state at the office of the secretary of state, he shall so inform the governor, and in the presence of the governor shall open and canvass the said returns; and if a majority of all the votes cast for members of the house of representatives shall be in favor of said amendment, he shall so declare by proclamation, in all the newspapers printed at the seat of government. Proclamation.

APPROVED Feb. 15, 1851.

AN ACT to amend an act entitled "An act supplemental to an act entitled an act to provide for a general system of railroad incorporations," approved November sixteenth, one thousand eight hundred and forty-nine. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the payment of the annual interest which may accrue upon any bond or bonds which may be hereafter issued by the county court of the county of Jo Daviess, in payment for stock which may be subscribed by the said county, to the capital stock of the Galena and Chicago Union Railroad company, in pursuance of the provisions of the act to which Tax to pay interest on bonds.

this is an amendment, the said county court shall be and they are hereby authorized and empowered to levy a tax, not exceeding four mills to the dollar, on the valuation of the real and personal property in said county; which said tax shall be collectable and payable in gold and silver only, and be applied to the purposes aforesaid, and no other.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15, 1851. AN ACT to change the time of holding courts in the fourth judicial circuit.

First judicial circuit.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the fourth judicial circuit in this state shall be composed of the counties of Crawford, Lawrence, Richland, Clay, Effingham, Jasper, Cumberland, Coles and Clark; and that the courts of the fourth judicial circuit shall hereafter be held in the county of Crawford on the first Mondays in March and September; in the county of Lawrence, on the first Mondays thereafter; in the county of Richland, on the first Mondays thereafter; in the county of Clay, on the first Mondays thereafter; in the county of Effingham, on the first Fridays thereafter; in the county of Jasper, on the first Wednesday thereafter; in the county of Cumberland, on the first Monday thereafter; and in the county of Coles, on the first Friday thereafter; and in the county of Clark, on the first Saturday thereafter.

Times of holding court.

Writs, &c, returnable.

§ 2. That all writs, process and other proceeding made or to be made returnable in the circuit courts of the said several counties, on the several days now fixed by law for the commencement of the terms of said courts, shall be regarded and held as returnable to the terms of the said circuit courts as hereinafter established; and no such writ, process or other proceeding shall be quashed or set aside, or any cause continued, because of the omission of the return day therein as fixed by this act.

Secretary of state to furnish copy.

§ 3. This act to take effect and be in force from and after its passage. And it is hereby made the duty of the secretary of state to furnish a copy of this act to the clerks of the several courts hereinbefore mentioned, immediately after the passage of the same.

Laws repealed.

§ 4. All laws coming within the purview of this act are hereby repealed.

APPROVED Feb. 15, 1851.

AN ACT to provide for the dedication of land for cemetery purposes.

In force April
18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any person or persons, desiring to dedicate any lot of land, not exceeding five acres, as a burying ground or place for the interment of the dead, for the use of any society, association or neighborhood, may, by deed duly executed or recorded, convey such land to the county in which it is situated, by the corporate name of such county, specifying in such deed the society, association or neighborhood for the use of which the dedication is desired to be made, and thereby vest the title to such land in perpetuity, for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever. Dedication of
land.

§ 2. If any person shall wilfully or maliciously cut down, break down, level, demolish or otherwise destroy, injure, or damage any railing, fence or other inclosure around or upon any land conveyed under the provisions of this act, or any gate or post thereon, or shall remove, break, injure or deface any tomb or other stone, or any post, plank or board, or any inscription thereon, or shall cut down, destroy, injure or remove any tree or shrub, standing or growing upon such land, shall be liable to indictment, and, upon conviction thereof, to be fined not less than ten dollars nor more than one hundred dollars. Penalty for
damages.

APPROVED Feb. 15, 1851.

AN ACT making an addition to the county of Putnam.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That township number thirty-one (31) and thirty-two (32,) north of the base line, and range one east of the third principal meridian, be and the same are hereby attached to the county of Putnam: *Provided, always,* that polls shall be opened at the several places of holding elections in the counties of Putnam and La Salle, at the next November election, to be held on the Tuesday after the first Monday in November next, when and where the legal voters of said counties shall vote—those of the county of Putnam, for or against receiving; those of the county of La Salle, for or against annexing; and if it shall be found, upon canvassing the votes, that a majority of the voters voting for or against in the county of Putnam are in favor of receiving; and a majority of the voters voting for and against in the county of Addition.

Proviso.

Election to be
held.

La Salle are in favor of annexing, then, and from thenceforth, the said township shall be and remain part and parcel of the county of Putnam.

Clerk to transmit returns.

§ 2. It shall be the duty of the clerk of the county court, immediately after the polls of said election shall have been canvassed, to transmit a certified statement of said vote to the secretary of state, who shall file the same in his office.

APPROVED Feb. 15, 1851.

In force April 18, 1851. AN ACT authorizing incorporated cities to change, alter and vacate streets or parts of streets.

Corporate authorities, power of.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when the corporate authorities of any city may deem it for the best interest of their respective cities that any street or part of a street shall be changed, altered or vacated, said authorities shall have the power, upon the petition of the property holders owning property on such street or part of street, to change, alter, or vacate the same, and to convey, by quit-claim deed, all interest which said city may have had in the street or part of street so vacated, to the owner or owners of lots and lands next to and adjoining the same, upon the payment by such owner or owners of all assessments which may be made against their lots or lands, for and on account of benefits to the same arising from such change, alteration or vacation of any street or part of street as aforesaid.

Damages assessed.

§ 2. The benefits and damages caused by changing, altering or vacating any street or part of street as aforesaid, shall be assessed and determined in the manner pointed out by the act incorporating such city, or by the ordinances thereof in other cases.

APPROVED Feb. 15, 1851.

In force March 1, 1851.

AN ACT in relation to weights and measures.

Weight of corn.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, whenever any Indian corn shall be sold by the bushel, and no specified agreement

as to the weight or measure shall be made by the parties, the bushel of corn shall consist of fifty-six pounds.

§ 2. This act to take effect from and after the first day of March next.

APPROVED Feb. 15, 1851.

AN ACT to establish the town of Florence and Wesley, and for other purposes. In force Feb 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That that portion of the town of Wilmington, in Will county, known and designated as township thirty-three north, range ten east, be and the same is hereby stricken off the said town of Wilmington, and is hereby erected into and established as the town of Florence, with all the privileges and immunities of other towns heretofore organized or hereafter to be organized in counties where township organization has been or may be adopted: *Provided*, that this act shall in no way affect the collection of taxes heretofore levied in said town of Wilmington. Town established.

§ 2. Said town of Florence shall hold its first annual town meeting on the first Tuesday in April next, and notices thereof shall be given in accordance with section nine of article first of an act entitled "An act to provide for township and county organization, under which any county may organize whenever a majority of voters of said county, at any general election, shall so determine," approved February twelfth, one thousand eight hundred and forty-nine; and the voters of said town of Florence shall then proceed to organize and elect town officers, to fix the place of holding future town meetings, and may transact such other business as other towns may under township organization. And when such towns shall have elected their said officers, the said town shall thereupon be considered fully organized. That so much of the town of Wilmington, in Will county, as is contained in that part of town thirty-two, in range ten east of the third principal meridian, as lies north of the Kankakee river, be and the same is hereby set off from the Wilmington township, and the inhabitants of said territory so set off may organize in the same manner as is provided by this act, and enjoy all the privileges that the said territory might have done had they been organized under the previous organization; and that said town be called "Wesley;" also, that such part of town thirty-seven, range ten, in Will county, as lies east of the Desplaines river, shall be set over to Du Page township. Time of holding town meeting.
Election.
The town of Wesley, how organized.

Secretary of
state to furnish
copy of act.

§ 3. The secretary of state shall forthwith furnish the clerk of the county court of Will county with a copy of this act, and this act shall take effect upon its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15, AN ACT to establish a state road from the town of Brooklyn, in the county of Massac, to the town of Frankfort, in the county of Franklin.

Commissioners
appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Benascer Thompson, of Massac county; George W. Waters, of Pope county; John T. Davis, of Williamson county, and George W. Aiken, of Franklin county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Brooklyn, in the county of Massac, and run thence, on the most eligible route, through the county of Pope, to Sarahsville, in the county of Williamson, and thence through said county of Williamson, on such ground as shall be selected by said commissioners, to the town of Frankfort, in the county of Franklin.

To take oath.

§ 2. Said commissioners shall meet on or before the first day of June, one thousand eight hundred and fifty-one, at the house of the said John T. Davis, in the county of Williamson, or as soon thereafter as may be practicable, and take an oath before some justice of the peace of the said county of Williamson, faithfully to perform the duties required of them by this act.

To make plats.

§ 3. When said commissioners shall have viewed the said route for said road, and shall have established the same, it shall be their duty to make four plats of the same, and deposit one of said plats with the county court of each of the said counties of Massac, Pope, Williamson and Franklin; which said plats shall be recorded by the clerk of each of said counties respectively.

Clerk to record.

Plats to be evi-
dence.

§ 4. When said plats shall be so recorded as aforesaid, they shall be evidence in any of the courts of this state, of the establishment of said road.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to locate a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Henry

Newton, of Adams county, and Stephen L. Weston, Isaac Gibson, of Hancock county, are hereby appointed commissioners to view, mark and locate a state road from the town of Lima, in Adams county, to the town of Warsaw, in Hancock county, on the best and nearest route, following, as near as may be practicable, the telegraph line.

§ 2. Said commissioners, or a majority of them, shall To take oath. meet at Warsaw, on the first Saturday in the month of March next, or within one month thereafter, and after being duly sworn before some justice of the peace of the state, faithfully to perform the duties of this act, shall proceed to lay out said road as provided in the preceding section, and shall designate the route of said road, by placing stakes, in the prairie and blazes on the trees in the timber. The said commissioners shall, as soon as the road is laid out, make To lay out road. and file a report and plat of said road, showing the course and distances from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the offices of the clerks of the county courts of said counties of Hancock and Adams.

§ 3. The said commissioner shall make out and present Compensation. to the county court, or to the supervisors' court, whichever may be doing county business at the time, through which said road may pass, a certified copy of the time and number of hands necessarily employed in each county, and thereupon it shall be the duty of said court to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, and to each hand one dollar, and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties.

§ 4. Said road, when so laid out, shall be and the same To be a state road. is hereby declared a state road, and shall be opened four poles wide, and kept in repair as other state roads. And it is hereby made the duty of the road commissioners, or supervisors of the respective counties, to proceed, immediately after the location of said road, to work the same from the northern limits of the corporation of the town of Lima to the southern line of the corporation limits of the town of Warsaw.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 15, 1851.

AN ACT to locate a state road therein named.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Wil-* Commissioners appointed.

liam W. Ellis, of the county of Greene; Sidney S. Duncan, of Morgan county, and William Butler, of Sangamon county, be and they are hereby appointed commissioners to view, survey, mark and locate a state road from Springfield, in Sangamon county, to Waverly, in Morgan county, and to Carrollton, in Greene county, on the nearest and best road, doing as little damage as [possible] to private property. The said commissioners, or a majority of them, shall meet at Waverly, on the first Monday in April next, or within three months thereafter; and, after taking an oath before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to view, mark and locate said road; shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county court of each of said counties through which said road passes; which shall be filed by him in his office; and said road thus laid out is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

§ 2. The county courts of the respective counties through which said road shall be located, shall cause to be paid to the said commissioners a reasonable compensation for their services, out of the county treasury; each county to bear her equal proportional part of said expense, according to the distance said road passes through the same.

APPROVED February 15, 1851.

In force April AN ACT to amend chapter thirty-nine of the Revised Statutes, entitled "Estrays." 18, 1851.

Estrays to be sold.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That it shall be lawful for any person taking up an estray or fattened hog, between the first of November and first of March, after complying with the provisions of sections one and three of the act to which this is an amendment, and stating on oath that he believes said estray has strayed from some drove, if no owner shall appear to prove said estray within the time specified in said notice, to sell said estray to the highest bidder, after giving public notice of such sale ten days previous thereto; the proceeds to be disposed of as now provided by law in other cases.*

APPROVED Feb. 15, 1851.

AN ACT in relation to the election of constables in the township of Waukegan, in Lake county. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at the annual town meeting in April next it shall be lawful for the legal voters of the township of Waukegan, in Lake county, to elect three constables; and any person who shall be a legal voter in said town, at such town meeting, shall be eligible to the said office of constable. Constables to be elected.

§ 2. This act to take effect from and after its passage.
APPROVED February 15, 1851.

AN ACT to amend an act entitled "An act authorizing the building of two bridges across Fevre river, in the city of Galena," approved January sixteenth, one thousand eight hundred and forty-seven. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of the county of Jo Daviess be and they are hereby authorized and empowered to contract with the authorities of the city of Galena, for the purchase of the two toll-bridges across Fevre river, within the limits of the said city, upon such terms as may be mutually agreed upon between the said county and city, and for the payment of the purchase money therefor, the said county court be and they are hereby authorized to issue the bonds of the said county, running for the period of ten years from the date thereof, and bearing interest, payable annually, at and after the rate of six per cent. per annum. County to buy bridges.
To issue bonds.

§ 2. That from and after the purchase of the said bridges by the said county court, as herein before provided, the said bridges shall be and forever remain free from toll or assessment, for the crossing of all persons and property, any thing in the act to which this is an amendment to the contrary notwithstanding. Bridges free.

APPROVED February 15, 1851.

AN ACT to create the town of Mendon, in the county of Adams.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the town Ursa, in Adams county, as lies east of a line commencing at Bear creek, on the north side of said town, Change town.

and running south to the base line, including the four tiers of sections on the east side of said town of Ursa, be stricken off said town of Ursa.

Mendon created. § 2. The said four tiers of sections so stricken off be and the same shall constitute a town, to be called the town of Mendon.

Election. § 3. There shall be an election held in the town of Mendon, at their usual place of voting in said town, on the first Tuesday in April next, for the same township officers that all other townships are now entitled to by law.

Powers of officers. § 4. And such township officers, when elected, shall be entitled to the same fees and shall exercise the same jurisdiction, and, moreover, shall be subject to the same penalties, as the township officers now in office.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force, Feb. 15, 1851. AN ACT to add a part of the territory of Christian county to Shelby county.

Preamble. Whereas a majority of the voters residing in township eleven north, range one east, in Christian county, have petitioned that said township be attached to the county of Shelby; therefore,

Counties changed. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That said township eleven north, of range one east, in Christian county, be stricken therefrom, and added to the county of Shelby: *Provided,* that an election shall be held in the county of Christian on the first Monday of July next, at the usual places of holding elections, to vote for or against the striking off the said township from the county of Christian; and on the first Monday of July next, an election shall be held in the county of Shelby, at the usual places of holding elections, to vote for or against receiving the said township as a part of the county of Shelby: *And provided, further,* that a majority of all the legal voters of the county of Christian, voting on the question at said election, shall be in favor of striking off said township, and that at said election a majority of the voters of Shelby county shall be in favor of receiving the said township, then the said township eleven north, of range one east, shall be added to the county of Shelby.

How held. § 2. The election to be held as provided in the foregoing section shall be conducted, notices given and returns made in the same manner as is required by the thirty-

seventh chapter of the Revised Statutes, entitled "Elections," and "An act to provide the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes," approved Feb. 12, 1849.

§ 3. It shall be the duty of the clerk of the county court of Christian county, so soon as the results of said election shall be ascertained, to make a certificate thereof, under the seal of the court, and transmit the same to the clerk of the county court of Shelby county, and the clerk of the county court of Shelby county shall, also, as aforesaid, make out and transmit to the clerk of the county court of Christian county a certificate of the result of the election in said county; which certificates shall be entered upon the records of each of said courts, and each of said clerks shall also enter upon said records the result of said elections in his respective county, at the next term of the court after said elections.

§ 4. This act shall be in force from and after its passage, and a certified copy thereof shall be transmitted to the clerks of the county courts of Christian and Shelby counties, by the secretary of state, immediately after the passage.

APPROVED February 15, 1851.

AN ACT to legalize assessments heretofore and hereafter to be made.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That where any county or township assessor has heretofore failed, or shall hereafter fail to complete or finish his assessment in the time required by law, such failure shall not vitiate such assessment, but the same shall be as legal and valid as if the same had been completed in the time required by law: *Provided,* that this act shall not release any such assessor of any county or township from any liability imposed by law for the non-fulfilment of his duty.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to authorize the receipt of the outstanding notes of the old State Bank of Illinois, into the treasury of this state.

In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

Treasurer to receive bills of old state bank.

treasurer of the state be and he is hereby authorized and required to receive as revenue such outstanding notes or bills of the State Bank of Illinois as were issued under the provisions of an act of the general assembly of this state entitled "An act establishing the State Bank of Illinois," passed A. D. eighteen hundred and twenty-one, and shall allow the two per cent. interest thereon authorized by said act.

The same to be registered and cancelled.

§ 2. The treasurer shall register and cancel said notes, and return the same to the auditor's office, and the auditor shall pass the same to the credit of the treasurer, as is now required in cancelling and returning auditor's warrants.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15,
1851.

AN ACT for closing the affairs of the Bank of Illinois.

Successors to assignees.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William Brown, Joseph Gillespie and Albert G. Caldwell, or either of them who may give bond in pursuance of an order or decree of the circuit court of the United States for the district of Illinois, rendered at the last term of said court, shall be held, deemed and considered as the legal successor or successors of the assignees of the Bank of Illinois, and as such shall have the right to sue and be sued, to prosecute and defend all suits already brought in the name of said assignees, and to sue out executions on all judgments rendered in favor of the said Bank of Illinois, or the assignees of said bank; which execution shall issue in the names in which the judgments have been rendered, for the use of the said successors, and be controlled and collected by the said successor or successors, as they might have been by said bank or said assignees, at the time said judgments were rendered.*

Their powers.

Agents may be appointed.

§ 2. Said successor or successors as aforesaid may appoint as many agents as he or they may deem necessary, to assist in the collection of the debts due said bank, or the management of the real estate thereof, as he or they may find necessary.

Sale of real estate.

§ 3. Said successor or successors shall have the same right to sell and convey all the real estate belonging to the fund of said bank, whether acquired by said bank or by the assignees thereof, as said assignees have heretofore had.

§ 4. Said successor or successors shall have the right ^{Compromises.} to make such compromises as they may deem proper, of the debts due the said bank, having a due regard to the rights of the creditors of said bank.

§ 5. This bill shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to provide for the assessment of property in the city of Quincy for state taxes, ^{In force Feb. 15,} and for the collection of taxes therein for the year one thousand eight hundred and ^{1851.} fifty, and for subsequent years, and for exempting the city of Quincy from the operation of the law authorizing township organization.

SECTION 1. *Be it enacted by the people of the State of* ^{City assessor to} *Illinois, represented in the General Assembly, That it* ^{assess state} *shall be the duty of the city assessor, for the time being, of* ^{taxes.} *the city of Quincy to assess all property, real and personal, within the limits of said city, for state taxes of the year one thousand eight hundred and fifty, and each and every subsequent year; said assessor first being sworn faithfully to discharge the duties appertaining to such office as now provided by law in the case of county assessors.*

§. 2. That it shall be the duty of the city collector of ^{City collector to} said city of Quincy to collect the state taxes for the year one ^{to collect state} thousand eight hundred and fifty, due on the property within the limits of said city, as assessed by the assessor, as provided for in the foregoing section; and also that the successor or successors of said collector shall hereafter collect all state taxes which may be assessed against the property within the said city limits, he or they first giving bond as is now required by law to be done by sheriffs, who are *ex officio* collectors in their several counties, and subject to all restrictions and requirements of the revenue laws now in force.

§ 3. That the city of Quincy shall be exempt from the ^{Exemption from} provisions of the act for township organization, heretofore ^{township or-} passed or that may be hereafter passed: *Provided*, that ^{ganization.} nothing in this act shall prevent the legal voters in the city of Quincy from voting on township organization at the regular election held by the county for that purpose.

APPROVED Feb. 15, 1851.

In force Feb. 15, AN ACT to amend the 24th chapter of the Revised Statutes, entitled "Conveyances." 1851.

Certificate of official character of justices not required.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all deeds, mortgages and other instruments in writing, relating to or effecting any lands, tenements or hereditaments, situate within this state, which have been executed and acknowledged before any justice of the peace of any county in this state, other than the one in which such lands, tenements or hereditaments lie, and which have been recorded in the county where such lands, tenements or hereditaments do actually lie, shall be adjudged and treated by all courts as legally executed and recorded, notwithstanding there is no certificate attached to said mortgage or other instruments by the proper officer, that the justice of the peace before whom said deed, mortgage or other instrument was acknowledged, was at the time of the said acknowledgment an acting justice of the peace of the county in which said deed, mortgage or other instrument purports to have been acknowledged.

Notice to purchasers.

§ 2. That the record of all such deeds, mortgages or other instruments in writing, so acknowledged as aforesaid, shall be taken, and the same is hereby declared to be good and effectual in law to charge any purchaser, mortgagee, or creditor, with notice of the existence of such deed, mortgage or other instrument in writing, from and after the time when such deed, mortgage or other instrument was actually filed for record in the proper office.

Certified copies, effect of.

§ 3. That certified copies from the said record, properly authenticated, shall be received in all courts and places as evidence of the due execution and recording of every such deed, mortgage or other instrument in favor of the person or persons who claim or desire to deduce a title under any such deed, mortgage or other instrument, against all persons denying such title or claiming adversely to the same: *Provided, however,* that the person or persons offering in evidence any such deed, mortgage or other instrument, shall exhibit, with a certified copy of the same, a certificate of the clerk of the county court of the county where such deed, mortgage or other instrument was acknowledged, that the justice of the peace before whom the same purports to have been acknowledged, was, on the day of the date of such acknowledgment, an acting justice of the peace of the said county, duly elected and qualified.

Proviso.

Duty of clerk.

§ 4. That it shall be the duty of the proper clerk, on the presentation of a certified copy of every such deed, mortgage or other instrument, at the request of the person who desires to use the same as evidence, and upon tender of his reasonable fees, to annex the certificate required by the preceding section to such deed, mortgage or other instru-

ment, whenever the records and files of his office show the official character of such justice of the peace.

§ 5. *And be it further enacted*, That a certified copy of any deed, mortgage or other instrument affecting any real estate situate within this state, which has been acknowledged without this state, in conformity with the laws of the state where such deed, mortgage or other instrument was acknowledged, and which has been recorded in the proper county in this state, shall be evidence in all courts and places: *Provided*, the party offering such certified copy in evidence will exhibit with the same a certificate of conformity, as provided for in sixteenth (16) section of chapter twenty-four (24) of the Revised Statutes, notwithstanding said certificate of conformity has never been recorded.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb'y 15, 1851.

AN ACT requiring the sheriff of Sangamon county to pay certain fines to the treasurer of the city of Springfield. In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all fines and forfeitures collected of any citizen of the city of Springfield, arising out of any indictment in the circuit court of Sangamon county, for any offence committed in said city, shall be paid over to the treasurer of the city of Springfield by the sheriff or other officer collecting the same.

This act to be in force from and after its passage.

APPROVED February 15, 1851.

AN ACT to amend Revised Statutes, chapter 81, entitled "Penitentiary." In force Feb. 15, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter sheriffs shall be allowed, as a compensation for their services in carrying convicts to the penitentiary from any county in this state, the following fees, payable out of the state treasury, viz: Where only one convict is conveyed, at and after the rate of thirty-five cents for each and every mile necessarily traveled in going to the penitentiary from the place of conviction; where two convicts, tried and con-

victed at the same term, and conveyed by the said sheriff, he shall receive at and after the rate of thirty-five cents per mile for the first, and twenty cents per mile for the second convict; where more than two are convicted at the same time, and conveyed to the penitentiary by the sheriff as aforesaid, he shall be allowed thirty-five cents per mile for the first, twenty cents per mile for the second, and fifteen cents per mile for each of the residue.

Acts repealed.

§ 2. All laws coming in conflict with the provisions of this act are hereby repealed.

This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 15, 1851.

In force Feb. 15, 1851. AN ACT to exempt members of the fire department of Waukegan, Lake county, Illinois, from serving as jurors.

Exemption.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the members of the fire department in the town of Waukegan, in the county of Lake, be and they are hereby exempted from serving as grand or petit jurors in the said county, so long as they may continue members of said department, any thing in any laws of this state to the contrary notwithstanding.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1851.

In force Feb. 15, 1851.

AN ACT to attach certain townships therein named, for school purposes.

Fractional township attached.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter fractional township twenty-three north, range three east, in Carroll county, be and the same is hereby attached to township number twenty-three, range four, in said county, for all school purposes, as it now is for election purposes.

APPROVED February 15, 1851.

AN ACT to allow the county court of Iroquois county to levy a tax.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Iroquois county, be and they are hereby authorized and empowered to levy a special tax of one mill upon every one hundred dollar's worth of real or personal property in said county subject to taxation; said tax may be levied by said court by a special order, to be entered upon their records, at any regular or special term of said court. Special tax authorized.

§ 2. The assessor of said county for the year A. D. one thousand eight hundred and fifty-one shall enter the afore-said tax in a separate column, upon all real and personal property contained in his list, in the same manner as the entry of other taxes is made, and shall make return thereof at the same time and in the same manner as his returns are made for state and county taxes, and the same shall be collected in the same manner and at the same time, in all respects whatsoever, as state and county taxes are collected, except that the same shall be payable only in gold and silver. Duty of assessor.

Manner of collection.

§ 3. The said taxes so collected shall be kept by the treasurer of said county as a separate fund, and shall only be appropriated, under the orders of the county court of said county, to the following objects, to wit: Appropriation of tax.

First. To the payment of debts incurred by reason of building the court-house in said county.

Secondly. If any surplus remains, the same may be applied in building a jail for said county.

§ 4. The secretary of state shall forthwith furnish to the clerk of the county court of Iroquois county a certified copy of this act. Duty of secretary of state.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to amend the act entitled "An act to provide for the right of way for the purposes therein expressed," approved February twelfth, A. D. one thousand eight hundred and forty-nine. In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the third section of said act be amended so as to extend the time for its completion five years from and after the passage of this act. Time extended.

APPROVED Feb'y 15, 1851.

In force Feb. 15,
1851.

AN ACT to legalize the assessment of taxes in Monroe county.

Assessment le-
galized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the assessment of taxes in and for the county of Monroe, in this state, for the year A. D. one thousand eight hundred and fifty, be and the same is hereby legalized.*

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to pay a state's attorney therein named for services.

Preamble.

Whereas it has been made to appear that Charles Gardner has performed the duties of state's attorney, during the sessions of the Lake county circuit court, under the appointment of the judge holding the said court; therefore,

Allowance to
Charles Gard-
ner for legal
services.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the said Charles Gardner be and he hereby is allowed for his said services as such state's attorney the sum of seventy-five dollars, to be paid to him out of any moneys not otherwise appropriated in the treasury; and the auditor of public accounts is hereby authorized and required to draw his order on the treasurer in favor of said Charles Gardner, for said sum of money, and deliver the same to said Gardner, or his attorney, upon demand.*

This act to be in force from and after its passage.

APPROVED Feb. 15, 1851.

In force Feb. 15,
1851.

AN ACT to permanently locate a part of a state road in the county of Bond.

State road estab-
lished.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the road from Vandalia to Greenville, beginning at the Fayette county line and running westwardly to the east side of John Hall's grove, a distance of about seven miles, as now traveled and kept in repair, be and the same is hereby [declared] a state road, and the same shall be kept in repair as other state roads.*

§ 2. This act shall take effect from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to pay the expenses of two joint select committees therein named.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is her-by directed to issue his warrant upon the treasurer for the sum of fifty dollars, in favor of and to each of the joint select committee, to wit: J. L. D. Morrison, A. J. Kuykendall, J. C. Davis, H. Patterson and John Carlin, appointed by the general assembly to visit the dykes opposite the city of St. Louis, and who did, in accordance with such appointment, visit said dykes; and, also, in favor of and to each of the joint select committee, to wit: H. S. Osborn, Newton Cloud, William Reddick, P. Maxwell, W. S. Jones, W. Farrell, Daniel Wilson, H. Swan and J. C. Moore, all of the necessary expenses of and actually paid out by each member of said committees, to be determined by the certificate of each member thereof, to be filed with the auditor before the warrants shall be drawn.

Appropriation
to joint com-
mittees.

§ 2. That the treasurer be and he is hereby directed to pay the warrants directed to be issued by the foregoing section, from any funds now in the treasury not expressly appropriated. That the sum of eleven dollars twenty-eight cents be and the same is hereby allowed to John Williams, of Springfield, for articles furnished the constitutional convention. That the sum of seventeen dollars thirteen cents be and the same is hereby allowed to Maro M. L. Read, for articles furnished the agent of the state in using the railroad from Springfield to the Illinois river.

Payments.

Appropriation
to John Wil-
liams.

To Maro M. L.
Read.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1851.

AN ACT to amend an act, in force April thirteenth, one thousand eight hundred and forty-nine, entitled "An act to establish and maintain common schools."

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section eighty-three of an act, in force April thirteenth, eighteen hundred and forty-nine, entitled "An act to establish and maintain common schools," be and the same is hereby so amended that a majority of the legal voters voting at any meeting legally convened for levying a tax, may levy such tax for any of the purposes specified in said act, any thing therein contained to the contrary notwithstanding.

Sec. 13 of school
law amended.

Time of notice.

§ 2. That the notice required by the eighty-second section of said act, for the purpose of convening a meeting to vote upon the question of taxation, shall be twenty days' notice, instead of ten days, as now provided by said section; and said notice shall, in addition to what it is now required to contain, substantially set forth the provisions of the first section of this act.

Tax for building school houses.

§ 3. That hereafter it shall be lawful for any school district in this state to levy, in the manner provided by this act and the act to which this is an amendment, for the purpose of building or repairing school houses, the sum of one dollar on each hundred dollars' worth of taxable property in the district.

Part of section 69 of school law repealed.

§ 4. That so much of section sixty-nine of the act aforesaid as requires the written consent of the district directors to authorize children to be sent from one school district into another to attend school, be and the same is hereby repealed, and hereafter children may be sent from one district to another as contemplated by said section, unless a majority of the directors of one of the districts interested shall object, in writing, by them signed, to the teacher to whom such children are sent or proposed to be sent; in which case such teacher shall forthwith notify the parents or guardians of such objection, and discharge or refuse to receive such children.

Certificates of qualification to teach.

§ 5. That hereafter no person shall receive in this state a certificate of qualification as a common school teacher who is not competent to teach all the seven branches enumerated in section thirteen of the act aforesaid, and so much of said act as authorizes district or township officers to examine teachers is hereby repealed, and hereafter school commissioners in all such examinations shall associate with them one or more competent persons, who shall assist in the same, and countersign all certificates of qualification given by such commissioners.

School directors to be a body corporate.

§ 6. That hereafter the board of directors in each and every school district in this state shall be deemed and are hereby declared a body politic and corporate, by the name of "school directors of district number ———, township ———, range ———, county of ———, state of Illinois," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, and to have perpetual succession.

District collector and collection of teachers' wages.

§ 7. That in school districts where directors employ teachers for a stipulated monthly compensation, the inhabitants, legal voters, may, at the regular election of directors, also elect in the same manner a collector of teachers' wages, and at the close of each school term contracted for the directors shall hold a meeting, ten days' notice of which shall have been previously given in writing, in three public

places in the district, at which meeting the patrons of said school may appear and pay their dues; and the teacher shall also appear and exhibit the amount due from each patron, made out from his schedule, kept as required by law, charging each patron according to the number of days sent; at which time, also, said directors may hear proof and abate the dues of any indigent person not able to pay such dues, and deduct the amount of such abatements from the amount of school funds due upon said schedule, and after deducting the balance of the school funds due on said schedule, if any, from the bills due from the patrons, in just proportion, they shall deliver the unpaid bills so credited to said collector of teachers' wages, who shall proceed to make immediate demand of payment, and in ten days after such demand to collect the same by distress, in the same manner as is now provided by law for the collection of state and county taxes; and said collector shall give bond, payable to said directors for the use of the district, in the sum of three hundred dollars, conditioned for the faithful performance of his duties.

§ 8. Such collector shall be allowed six per cent. upon the bills collected by him without distress; and where distress is made, the same fees as are allowed in like cases to collectors of state and county taxes; in both cases be collected as costs from the delinquent. Fees of collector.

§ 9. That if any officer whose duty it is, shall negligently or wilfully fail to make, in the time and manner required by law, the report, or discharge the duty enjoined upon him by way of furnishing information necessary to enable the state superintendent to make his biennial report in the time required by law, such delinquent shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information in the name of the people of the state of Illinois, for the use of the proper county. Penalty for neglect of duty.

§ 10. Township treasurers, or any other officer or officers who may be required to disburse any of the school funds according to the laws in force, shall not pay any moneys on schedules of schools not certified in proper form by the district school directors. Treasurers not to pay money on schedules unless properly certified.

§ 11. That all that part of section eighty-four of said act entitled "An act to maintain and establish common schools," approved February twelfth, eighteen hundred and forty-nine, and in force April thirteenth, eighteen hundred and forty-nine, as requires the county courts of each county to pay the school commissioners of their respective counties an amount not exceeding two dollars per day for each day, not exceeding fifty days per year, while engaged in the discharge of their duties as *ex officio*, superintendents of schools, be and the same is hereby repealed: *Provided*, Part of sec 84 of school law repealed. Provided, that said school commissioners shall not be required to

perform the duties of public lecturer when they receive no compensation.

Re-sale of lands.

§ 12. Where any school commissioner of any county in this state shall have bought any school or other lands, for any debt or debts due the school fund in such county, the school commissioner may re-sell the same, under the provisions of the school law of this state regulating the sale of school lands.

Property of non-residents subject to taxation

§ 13. Where the inhabitants of any school district shall vote a tax upon their district for school purposes, according to provisions of this act, the tax so voted shall be levied and collected upon the property in said district belonging to non-residents, at the same rate and in the same manner that the tax is levied and collected on the property of residents of such district.

Persons whose residence is temporary not entitled to vote.

§ 14. That in elections under the provisions of the school laws of this state, persons whose residence is temporary, or who reside therein for the purpose of being educated, shall not be computed as inhabitants of the district, nor entitled to vote in said district in levying a tax for school purposes.

APPROVED Feb. 15, 1851.

In force Feb. 15, 1851.

AN ACT in relation to the records of the counties of Carroll and Putnam.

Indexes to recorder's books.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Putnam county and the board of supervisors of the county of Carroll be and they hereby are authorized, each of them, to employ a competent person to make a complete index to the records in the recorder's office of their respective counties. There shall be an index of the names of the grantors and of the grantees, and also of the tracts or parcels of land; and the recorder of said counties, after said index or indexes shall be so made, is required to keep the same in that manner without additional compensation; and such index or indexes shall be kept in said recorder's office. The said persons so employed shall take an oath faithfully to perform the duties herein required of them, which may be taken before any justice of the peace, and shall be filed in the office of the clerk of the circuit court. The said county court and board of supervisors are each respectively authorized to pay the person so to be employed by them a reasonable compensation, out of any money in the treasury not otherwise appropriated.

APPROVED February 15, 1851.

AN ACT for the formation of the county of Oregon.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following described tract of country, lying within the following boundaries, to wit: beginning at the north-west corner of Macoupin county, running due south six miles, to the south-west corner of section thirty-one, township twelve north, range nine west; thence due east, twenty-four miles; thence due north, twelve miles, to the north-east corner of township thirteen north, range six west; thence due west, to the north-west corner of said township, on the range line between ranges six and seven; thence due north, ten miles, to the north-east corner of section thirteen, township fifteen north, on the range line between six and seven, to the Northern Cross railroad; thence due west, eleven miles, to the north-west corner of section seventeen, township fifteen north, range eight west; thence due south, six miles, to the north-east corner of section eighteen, township fourteen north, range eight west; thence due west, one mile; thence due south, one mile; thence due west, one mile; thence due south, one mile; thence due west, one mile; thence due south, one mile; thence due west, two miles; thence due south, one mile; thence due west, one mile; thence due south, five miles, to the place of beginning, all west of the third principal meridian, shall form and constitute one of the counties of the state of Illinois, to be called "Oregon."

§ 2. There shall be an election held at the different places of voting for state officers, in the counties of Morgan, Sangamon and Macoupin, at the next general election for state and county officers, to be conducted by the judges and clerks of election that may then be in office, who shall conduct said election in all respects according to the election laws of this state; and all legal voters of the counties of Morgan, Sangamon and Macoupin counties shall be entitled to vote at said election, for or against the formation of said county of Oregon; and if a majority of all the votes given in each of said counties, for or against the creation of said county of Oregon, are for its creation, it shall forever thereafter constitute one of the counties of this state.

§ 3. Within three days after said election, the judges of said election, at the several places of voting in said counties, shall make returns of said election to the clerk of the county court of their respective counties. Said clerk shall proceed, within three days thereafter, to open said returns and make to the secretary of state, within five days after opening the same, a true statement of the number of votes given at said election, for and against the formation of said county of Oregon. The secretary of state shall, within five days after receiving said return, and

Duty of secretary of state.

if he finds that a majority of the votes given for and against the formation of said county are for its formation, he shall cause proclamation to be made thereof in all the newspapers published at the town of Springfield.

Election for justices and constables.

§ 4. If the county of Oregon shall be formed, according to the foregoing provisions of this act, there shall be an election held at the different places of voting for justices of the peace and constables in the limits of the county of Oregon. The election shall be conducted by the present judges of election in said county, who have been appointed by the counties of Morgan, Sangamon and Macoupin, according to the election laws of this state; at which election the legal voters of the county of Oregon shall elect all county officers for the county, who shall be qualified and commissioned as similar officers are in other counties of this state. Said officers so elected and qualified shall hold their offices until the next ensuing regular election for such officers, now provided by law, and shall have the same jurisdiction, and discharge all the duties in the limits of the county of Oregon that are required by law of similar officers in other counties in this state. Said election to be held on the first Monday after the proclamation of the governor declaring the creation of said county under the provisions of this act.

County officer.

Election returns and canvass of votes.

§ 5. Within five days after said election, the judges of election at the different places of voting shall return the poll-books of said election to the town of Waverly, directed to E. D. Meacham, S. S. Duncan and John Scott, or their successors, three acting justices of the peace in the limits of said county; and the said justices shall meet in the town of Waverly, within seven days after said election, and proceed to open said election returns, and to do and perform all the duties in relation to said returns that are required by law of the clerks of county courts in relation to similar returns.

Circuit court, when and where to be held.

§ 6. As soon as the county officers shall have been elected and qualified, as provided for in this act, the county court shall give notice of the same to the judge of the first judicial circuit, who shall hold courts in the said county at such place as may be provided and designated by the county court of said county, until the county seat of said county shall be located, as hereinafter provided for. Said county of Oregon shall form a part of the first judicial circuit, until otherwise directed by law.

Suits and indictments.

§ 7. Suits and indictments that have been commenced, or may hereafter be commenced, in the circuit courts of the counties of Sangamon, Morgan or Macoupin, by any of the citizens living in the limits of the county of Oregon, before the organization thereof, shall not be affected by this act, but all such suits so commenced shall be decided in the circuit court in the county where they were commenced.

§ 8. All justices of the peace and constables elected in the counties of Sangamon, Morgan or Macoupin, who reside in the limits of Oregon, shall hold their office and have jurisdiction in the said county of Oregon as though they had been originally elected in the said county. Justices of the peace and constables.

§ 9. The school fund belonging to the several townships in the said county of Oregon, and all notes and mortgages pertaining to the same, shall be paid and delivered over to the school commissioner of the county of Oregon by the school commissioners of the counties of Sangamon, Morgan and Macoupin, as soon as the said county shall be organized and the commissioner of school lands appointed and qualified according to law, together with all interest arising out of said money that has not been heretofore expended for school purposes, in those parts of the counties of Sangamon, Morgan and Macoupin now included in the county of Oregon. School funds.

§ 10. At the time and place of voting for county officers, as provided for in this act, the judges of election shall cause three places to be voted for as the county seat of the said county of Oregon; the places to be agreed upon by the voters of said county. The vote being taken for said county seat, all the legal voters of the county of Oregon shall be allowed to vote for one of the places as a candidate for the county seat, and after the votes shall have been opened and counted as provided in the second section of this act, if it shall appear that either of the three points has received a majority of all the votes given for the location of the county seat, the place so receiving a majority of votes shall be and remain the permanent seat of justice for said county of Oregon; but if on the votes being counted it shall appear that no one of the three places voted for shall have received a majority of all the votes given, the three justices of the peace mentioned in this act shall cause notice to be given to the judges of election at the different places of voting in the county of Oregon, and designate in such notices a day upon which to hold a second election for the location of a seat of justice for said county. The judges of election, on receiving said notice from the justices of the peace, shall proceed to give public notice of said election, by posting up written notices in four of the most public places in their respective districts, and the said judges of election shall attend on the day of election and shall open the election, according to the laws of this state, for the location of a county seat, and the two places which shall have received the highest number of votes for the county seat at the first election shall be voted for, and within three days after said election the judges of election shall return the poll-books, together with a statement of the election, to the town of Waverly, directed to the three justices of the peace mentioned in this County seat.

act; and the said justices shall meet in the town of Waverly, within five days after said election, and open and count the votes, and the place having received a majority of all the votes given, shall be and remain the permanent seat of justice of Oregon county. After the organization of said county, the county court shall have all necessary powers to make such orders and do all things necessary for the erection of suitable public buildings. They may receive donations, and apply the same in the erection of said buildings.

§ 2. This act to be in force from and after its passage.

APPROVED February 15, 1851.

Erection of public buildings.

In force Feb. 17, 1851. AN ACT supplemental to an act entitled "An act making appropriations for the pay of members and officers of the general assembly, and for the service of officers of the government until the adjournment of the next regular assembly," approved Feb. 12, 1849.

Assistants to engrossing and enrolling clerks to receive \$4 per day.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the engrossing and enrolling clerk of the senate, and the engrossing and enrolling clerk of the house of representatives, shall certify to the auditor the number of days which they have employed extra assistant clerks, naming the persons so employed by them, and the persons so employed shall receive four dollars per day for each day's service certified as aforesaid: *Provided,* that the assistant door-keepers of each house shall be entitled to the same per diem that is allowed to the principal door-keepers of each house.

§ 2. This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to locate and establish a state road from Chester, in Randolph county, to Troy, in Madison county.

Commissioners appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John A. Wilson, of Randolph county, John G. Jones, of Madison county, and the Rev. John Crain, of Washington county, be and they are hereby authorized to proceed, as soon as practicable, to survey and locate a state road, leading from Chester, in Randolph county, to Troy, in Madison county, by the nearest and most eligible route, passing through Sparta, in Randolph county, thence to Gillespie's ford, on

Mud creek, thence to Brook Smith's, on the north side of Elkhorn prairie, thence to Cox's ferry, on the Kaskaskia river, thence to Lebanon, in St. Clair county; and when the said route has been located a copy of the plat and survey thereof shall be filed with the clerk of the county court of each of the counties through which said road shall pass. Plats and survey.

§ 2. The said commissioners shall be allowed and paid for their services the sum of two dollars per day, each, for the time necessarily engaged in making said survey; each county paying the commissioners residing therein, whenever the same shall be duly authenticated to the clerks of said county courts. Compensation of commissioners.

§ 3. The said road, when located and established, shall be deemed and held to be a public road, and shall be opened and kept in repair in all respects as other public roads in this state, and the damages for the right of way shall be assessed as in other cases. Road when located to be a public road.

§ 4. The said commissioners may, if they deem the same essentially necessary, employ a competent surveyor, to aid them in the aforesaid duties, who shall be paid by the said counties in equal proportions, at the same rate as the said commissioners are paid. Surveyor.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT supplemental to "An act to provide for township organization."

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases where counties may have voted for township organization, but have not organized, upon the petition of fifty legal voters of the county so having voted for such organization, it shall be the duty of the county clerk, upon the filing of such petition with him, to cause notices to be posted up in the different precincts of the county, as is now required by law, at least thirty days previous to the election, that the question of township organization will be voted upon. At such election said vote shall be taken by ballot, to be written or printed, or partly written and partly printed, "For township organization" and "Against township organization," and shall be canvassed and returned in like manner as votes for state and county officers. How township organization may be avoided when adopted.

§ 2. If it shall appear by the returns of said election, that a majority of all voters voting at such election have voted against township organization, then the county so Result of a majority against township organization.

voting shall not organize, and the county shall remain as if no vote had ever been taken for or against township organization, and the county officers shall remain in office until their terms shall legally expire.

Application of this act. § 3. The provisions of this act shall apply exclusively to the county of Vermilion.

This act shall take effect and be in force from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to relocate a portion of the state road from Belleville to Brownsville.

Commissioners. SECTION 1. *Be it enacted by the people of the State of Illinois, repr. sented in the General Assembly,* That David Anderson, Samuel McClinton and Washington Borders be and they are hereby appointed commissioners to relocate so much of the state road leading from Belleville to Brownsville as lies between Athens, in St. Clair county, and Sparta, in Randolph county, having due regard to private property and the convenience of the public.

Commissioners to take oath. § 2. That said commissioners shall meet at the house of Samuel McClinton, on or before the first day of July next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of Randolph county, well and truly to perform the duties required of them by this act.

Duty of commissioners. § 3. When the commissioners shall have reviewed the said ground, and shall have relocated said road between the places named, it shall be their duty to make out two plats of the road so relocated, and lay one before the county court of Randolph county, and one before the county court of St. Clair county, as soon as practicable after the completion of the same, and the road so located is hereby declared to be a state road, and so much of the old road as may be affected by said relocation is hereby vacated.

Plats to be evidenced. § 4. The said plats shall be evidence hereafter in all courts of record in this state, and it shall be the duty of the clerks of the county courts of Randolph and St. Clair counties, to record said plats on the records of their offices, and the county judges of the counties of Randolph and St. Clair shall allow to the said commissioners and clerks a reasonable compensation for the services required by this act.

APPROVED Feb. 17, 1851.

AN ACT to locate and change certain state roads therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James M. Montague, of Perry county; Wm. Bradley, of Jackson county, and Jephtha Glover, of Randolph county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at the ford where the road leading from Pinckneyville to Liberty crosses Pipe-stone creek; thence, on the nearest and best route, to Jacob Short's mill; thence across the north-west corner of Jackson county, so as to intersect the Murfreesboro' and Chester road at the Tea-cup Knob.

§ 2. The said commissioners, or a majority of them, shall meet at the house of James M. Montague, on or before the first Monday in April next, and after being duly sworn faithfully and impartially to discharge the duties required of them by this act, they shall proceed to survey and permanently locate the said road, avoiding unnecessary damage to private property.

Duty of commissioners.

§ 3. The said commissioners shall furnish a map or plat of the survey of said road, to the clerk of the county court of each county in which the road shall be located. The said plats shall be recorded in each of said counties, and shall be evidence in all courts of this state of the existence of said road.

Plat of survey.

§ 4. The county courts of each county in which the said road is located, shall allow to the surveyor two dollars per day, and to the said commissioners and chainman each the sum of one dollar per day, for each day necessarily employed in the location of said road, to be paid upon the certificate of the commissioners, in proportion to the number of days employed in each county.

Compensation of commissioners, surveyor, &c.

§ 5. That so much of the state road leading from Mulkytown, in Franklin county, to Chester, in Randolph county, as runs through the farm of Richard G. Murphy, be and the same is hereby so changed as to run through the said Murphy's lane; thence north of the farm of A. N. Milligan, deceased, and to intersect the present road of the former residence of said Milligan, deceased.

Change of road leading thro' R. G. Murphy's farm.

§ 6. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

AN ACT to pay the expenses of two joint select committees therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

A auditor to issue warrant.

auditor of public accounts be and he is hereby directed to issue his warrant upon the treasurer in favor of and to each of the joint select committee, to wit: J. L. D. Morrison, A. J. Kuykendall, J. C. Davis, H. Patterson and John Carlin, appointed by this general assembly to visit the dykes opposite the city of St. Louis, and who did, in accordance with such appointment, visit said dykes; and, also, in favor of and to each of the joint select committee, to wit: H. S. Osborn, Newton Cloud, William Reddick, P. Maxwell, W. S. Jones, W. Farrell, Daniel Wilson, H. Swan and J. C. Moore, appointed by this general assembly to visit the public buildings at Jacksonville, all of the necessary expenses of and actually paid out by each member of said committee, to be determined by the certificate of each member thereof, to be filed with the auditor before the warrants shall be drawn. That the sum of eleven dollars twenty-eight cents be and the same is hereby allowed to John Williams, of Springfield, for articles furnished the constitutional convention. That the sum of seventeen dollars thirteen cents be and the same is allowed Maro M. L. Read for articles furnished the agent of the state, in using the railroad from Springfield to the Illinois river.

§ 2. That the treasurer be and he is hereby directed to pay the warrants directed to be issued by the foregoing section, from any funds now in the treasury not expressly appropriated.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to vacate and relocate a portion of a state road named therein.

Vacation of
road.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the state road leading from Petersburg to Macomb, as lies between Vermont, in Fulton county, and Macomb, in McDonough county, be and is hereby vacated.*

Relocation.

§ 2. That the portion of said road thus vacated shall be relocated as follows: Commencing at the public square in the town of Vermont, in Fulton county, thence running, on the nearest and best route, to the centre of section twenty-three (23,) in township four (4) north, one (1) west, in McDonough county; thence north, to the centre of section fourteen (14;) thence west, to the line of section fifteen (15;) thence north, to the north-east corner of section fifteen (15;) thence west, to the north-east corner of

section sixteen (16,) in said township; thence, on the nearest and best route, to Macomb, doing as little damage to the owners of land on said route as possible, by running on section lines.

§ 3. That J. H. Baker, Cleon Reddick and William Ryle, of McDonough county, are hereby appointed commissioners to mark out and relocate the said portion of road, within six months from the passage of this act, and to ascertain, as far as practicable, where damages may accrue, or will be claimed by individuals through whose lands the road hereby authorized may run, and report the probable amount thereof, and the names of the owners of such lands and property, to the county court of the county in which said lands may be situate; and when the said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerk of the county court through which said road passes, a copy or plat of said road; which plat, when so received by said clerks, shall be entered of record in their several offices, and the said entries, when so made, shall be evidence in all courts of this state of the existence of said road.

§ 4. It shall be the duty of each county court through which the aforesaid road herein authorized and established may pass, when opened, to cause the same to be worked and kept in good repair, as far as the road labor of the hands of the county and the means of the county will justify.

§ 5. The county court of the several counties through which said road passes, may allow to the commissioners herein appointed, and the said clerks, a reasonable compensation for the services rendered as aforesaid, in proportion to the amount of labor performed in each county; and the said commissioners appointed as aforesaid, before they enter upon the performance of their duties as herein designated, shall be sworn by some acting justice of the peace of McDonough county, to view, mark and relocate the portion of said road, having due regard to private property.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to enable the auditor of public accounts to collect the revenue.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when real estate shall be levied upon to satisfy any judgment in favor of the state, it shall be the duty of the officer making such levy, to transmit by mail, to the auditor, at least

twenty days before the day of sale, a correct statement, showing the description and value of said property, in cash; the truth of said statement shall be attested by the oath of said officer. And the auditor is hereby authorized and required to purchase, in the name and for the use of the state of Illinois, at a price not exceeding two-thirds of said value, so much of said property as may be required to pay the amount of the judgment and costs aforesaid; and it shall be the duty of the officer making such sale to forward to the auditor a certificate of purchase, and make his return, as required in other cases of sales on execution. Any person desiring to redeem said property from such sale, shall pay the amount of redemption money into the state treasury; and, thereupon, the auditor shall indorse such payment on the back of the certificate of purchase aforesaid, and deliver it to the person so paying; which shall have the same effect as redemptions have in other cases; but no real estate purchased as aforesaid shall be considered redeemed from such sale until the redemption is paid into the state treasury.

Auditor to purchase for state.

Redemption.

Redemption money.

§ 2. All moneys received by any sheriff, or other officer, for the redemption of any real estate sold to the state, on execution, shall be paid by such officer into the state treasury, or to the collector of his county, as may be directed by the auditor, within twenty days after demand is made by said auditor, and shall be paid into the state treasury, by such collector, when he makes settlement for the state revenue: *Provided*, that the demand aforesaid may be made by any person authorized by the auditor to make such demand.

If not redeemed.

§ 3. If any real estate, purchased by the state on execution, shall not have been redeemed, or may not hereafter be redeemed, within the time required by law, it shall be the duty of the auditor to obtain a deed or deeds therefor; which he shall cause to be recorded in a book kept for that purpose, in his office, and shall take such steps as he shall deem necessary to protect the timber, or other fixtures thereon, from being lost or destroyed.

Auditor to sell.

§ 4. The auditor of public accounts is hereby authorized and empowered to sell, transfer and convey, by deed, any and all real estate that may have been heretofore, or may be hereafter purchased, to satisfy, or in payment of any judgment, or any execution in favor of the state, by this state, or by any officer of this state, for the benefit and use of the state, to any person or persons who may pay into the state treasury the full amount paid by the state for said property, and six per cent. interest thereon, from the date of said sale to the time of such payment: *Provided*, that such amount shall be equal to the amount due the state on the judgment or decree on which the sale was made; or if

Proviso.

not, the sale may be made at such price, not less than the price paid for the property as aforesaid, as the judge of the county court and the sheriff of the county in which the estate is situated shall certify the same to be worth.

§ 5. State's attorneys, in addition to the duties now required by law, shall prosecute all suits in favor of the state when required by the auditor; and where there is no other fee allowed by law for such service, they shall be allowed and paid out of the state treasury the sum of five dollars, for commencing and prosecuting suits as aforesaid, to be paid on the certificate of the auditor, and approved by the governor.

Duty of state's attorneys.

Their fees.

§ 6. If the back taxes on any forfeited property have not been collected, or the property sold as provided for by an act entitled an "Act to provide for the collection of the revenue on forfeited property," approved February twelfth, eighteen hundred and forty-nine, said taxes, with the interest and cost due thereon, shall be added to and collected with the tax of the current year: *Provided*, that where such taxes have not been added to the list for the current year, the clerk shall add them to the taxes of the year A. D. one thousand eight hundred and fifty-one. Said property shall be advertised and sold in the same manner as required by the act aforesaid.

Back taxes

§ 7. Deeds on sales made in pursuance of this act, or of the foregoing recited act, shall be made by the sheriff or collector, as provided for in other cases of sales for taxes.

Deeds.

§ 8. In all cases where the collectors of the tax of the year A. D. one thousand eight hundred and forty-nine, did not receive the tax books within the time required by law, or where any of the collectors aforesaid failed to obtain judgment on the delinquent list, at the time required by law, the auditor is hereby required to remit the interest on the accounts of such collectors; and in all cases where such interest has been paid into the treasury, the auditor shall cause the same to be refunded by drawing his warrant on the treasurer for the amount so paid.

Interest remitted, in what case.

§ 9. Sheriffs and collectors of the revenue for the year one thousand eight hundred and fifty-one, and subsequent years, shall be allowed a commission upon all moneys paid in to the state and county treasuries, of five per cent. on the first eight thousand dollars, three per cent. on the next ten thousand dollars, and two per cent. on all additional sums, instead of the commission now allowed by law; which allowance shall be apportioned between the county and state, in proportion to the amounts collected and paid over.

Collector's commissions.

§ 10. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories.

Governor to appoint commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor of this state is hereby authorized to name, appoint and commission so many commissioners in such of the other states and territories of the United States, or in the District of Columbia, as he may deem expedient: *Provided*, that the number of such commissioners shall at no time exceed five in any one city or county. The said commissioners shall continue in office for four years, and shall have authority to take the acknowledgment and proof of the execution of any deed, mortgage, lease or other conveyance, of any lands, tenements or hereditaments, lying or being in this state, or of any contract, assignment, transfer, letter of attorney, satisfaction of a judgment, or of a mortgage, or of any other writing or instrument under seal, to be used or recorded in this state; also, to administer an oath or affirmation to any person or persons who may desire to make such oath or affirmation.

Power of commissioners.

§ 2. Any acknowledgment or proof taken in pursuance of the powers and under the directions and limitations conferred by and mentioned in this act, in manner directed by the laws of this state, with respect to the acknowledgment or proof of deeds taken by any officer authorized to take such acknowledgment residing within this state, and certified by any one of said commissioners whose appointment is authorized by this act, before whom the same shall be taken or made, under his hand and official seal, (which certificate shall be indorsed on the said deed, or other instrument mentioned in the first section of this act,) shall, when authenticated in the manner hereinafter provided, be entitled to be recorded in any county in this state, and shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been taken or made before any officer authorized to take such proof or acknowledgment, residing in this state, and any affidavit or affirmation, made before any such commissioner, certified and authenticated as aforesaid, may be read in evidence, and shall be as good and effectual, to all intents and purposes, as if taken and certified by any officer authorized to administer oaths residing in this state.

Oath.

§ 3. Every commissioner appointed by virtue of this act, shall, before he performs any duty under or by virtue of his said appointment, and of this law, take and subscribe an oath or affirmation before a justice of the peace, or some other magistrate in the city or county in which he shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the

laws of the state of Illinois ; which oath or affirmation shall be filed in the office of the secretary of this state. And every such commissioner, shall, also, before he enters upon the duties of his office, cause to be prepared an official seal, in which shall be designated his name, and the words, "A commissioner for the state of Illinois," together with the name of the state or territory, and also the city or county within which he shall reside, and for which he shall have been appointed, and shall transmit to, and cause to be filed in the office of the secretary of this state, a distinct impression of such seal, taken upon wax, or some other substance capable of receiving and retaining a clear impression, together with his signature, in his own proper writing.

§ 4. When any deed or other instrument shall be proved or acknowledged, or any oath or affirmation shall be taken before any commissioner appointed by virtue of this act, before it shall be entitled to be used, recorded, or read in evidence, in addition to the preceding requisites, there shall be subjoined or affixed to the certificate, signed and sealed by the commissioner as aforesaid, a certificate, under the hand and official seal of the secretary of state of this state, certifying that such commissioner was, at the time of taking such proof or acknowledgment, or of the administering such oath or affirmation, duly authorized to take the same, and that the secretary is acquainted with the handwriting of such commissioner, or has compared the signature to such certificate, with the signature of such commissioner deposited in his office, and that he verily believes the signature and the impression of the seal of the said certificate to be genuine.

Certificate of secretary of state.

§ 5. No commissioner appointed under or by virtue of this law, shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation in any place other than the city or county within which he shall reside at the time of his appointment; and every certificate of any such commissioner, or any proof or acknowledgment taken before him, or any oath or affirmation administered by him, shall specify the day on which, and the city or town and county within which the same was taken or administered; and without said specification the said certificate shall be invalid, inoperative and void.

Where acknowledgments may be taken.

Date and place shall be specified.

§ 6. The act entitled, "An act to authorize the appointment of commissioners in other states," approved March 1st, 1845; and also the act entitled "An act supplemental to an act to authorize the appointment of commissioners in other states," approved February 24, 1847, are hereby repealed; and all appointments under and by virtue of said acts shall cease, determine and become utterly null and void from and after the expiration of thirty

Acts repealed.

days after the day on which this act shall take effect ; and the secretary of state of this state shall forthwith cause a copy of this act to be forwarded to each of the commissioners appointed under the said acts, whose appointments shall not have been previously revoked or superseded.

Duty of secretary of state.

§ 7. It shall be the duty the secretary of state of this state, to prepare instructions and a sett of forms, in conformity with the laws of this state, and to forward the same, together with a copy of this act, to every person who shall be appointed a commissioner under and by virtue of this law ; for which said secretary shall be entitled to demand and receive the sum of five dollars, of said party.

Residence of commissioner.

§ 8. No person shall be appointed a commissioner under this act, who is not at the time of his appointment a resident of the city or county, and state or territory, for which he may be appointed.

§ 9. This act shall take effect and be in force from and after the first day of July next.

APPROVED February 17, 1851.

In force April 18, 1851.

AN ACT to amend the several acts relating to the election of county treasurer.

Treasurers to be elected in November, 1851, and biennially thereafter.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That county treasurers shall hereafter be elected on the first Tuesday after the first Monday in November, A. D. eighteen hundred and fifty-one, and every two years thereafter.

Acts repealed.

§ 2. So much of any and all laws now in force as provides that county treasurers shall hold their offices for the term of four years, is hereby repealed.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize the city of Quincy to levy and collect a special tax for the purposes therein mentioned.

Special tax authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city of Quincy is hereby authorized to levy and collect a special annual tax upon the property, real and personal, situated in said city, sufficient for the payment of the annual interest which may accrue upon any bonds to be hereafter issued by said city for railroad purposes, under the provisions of an act entitled "An act supplemental to an

act entitled an act to provide for a general system of railroad incorporations," in force the 6th day of November, A. D. 1849.

§ 2. The special tax aforesaid shall be levied and collected at the same time and in the same manner as the other taxes levied by said city, and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property or otherwise, as is or may be provided for in other cases relating to the city revenue.

§ 3. Said tax, when collected, shall by the said city be set apart and held separate and distinct from the other portions of the city revenue, as a fund specially pledged for the payment of the annual interest on the bonds aforesaid, and shall be by the said city, from time to time, applied to the payment of said interest, as the same becomes due and payable, and to no other purpose whatever.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act to create and establish the county of Jersey," approved Feb. 28, 1839. In force March 3, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the first section of the act to which this is an amendment be so amended as to define the boundaries of said Jersey county, as follows: commencing at the north-east corner of township nine north, of range ten west of the third principal meridian; thence west, on the north line of said township, two and one-half miles, to the centre of section three; thence south, eighty rods, to the south-east corner of the north half of the north-west quarter of section three; thence west, one half mile, to the west line of said section three; thence south, with said line, two and one-fourth miles, to the centre of section sixteen; thence west, through the centre of sections sixteen (16,) seventeen (17,) and eighteen (18,) in town nine north, of range ten west, and sections thirteen (13,) fourteen (14,) and fifteen (15,) in township nine north, of range eleven west, six miles, to the east line of section sixteen; thence south, until it strikes the line as defined by said section; thence with said line to the centre of the Illinois river.

§ 2. That so much of said act to which this is an amendment as conflicts with the first section of this act, be and the same is hereby repealed: *Provided*, that the collectors in the counties of Greene and Jersey are hereby author-

- Taxes. ized to collect the state and county revenue, on assessments heretofore made in the said counties, in the same manner as if this amendatory act had not passed: *Provided, further*, that the non-resident or delinquent list of lands be proceeded against and sold for the non-payment of the taxes assessed thereon for the year 1850, as returned by the assessors in the said counties respectively, and the moneys arising therefrom paid over to the state and county treasurers, as now provided by law; and all sales of lands for taxes shall be as valid as if this act had not been passed. And the sheriffs are hereby authorized to execute deeds for lands so sold for taxes in their respective counties, with the like effect as if the line of said counties had not been changed or altered by this act.
- Further proviso.
- Sales of land for taxes.
- This act to be in force March 3, 1851.
- Expense of bridge across Macoupin creek.
- § 4. This act to be in force from and after the first Monday in March, 1851.
- § 5. *Be it further enacted*, That the expense of rebuilding the bridge across the Macoupin creek, at Randle's mill, shall be borne equally by the counties of Greene and Jersey. The said bridge to be constructed whenever the county court of Greene shall deem it necessary.
- APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to amend an act entitled "An act to provide for the construction of plank roads by a general law."

- Roals not to be over eight feet wide.
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the law to which this an amendment shall not be so construed as to require the plank track of any plank road to be over eight feet wide: *Provided*, that the earth or dirt track shall be so constructed as to afford convenient turn-outs for teams.
- Proviso.
- Powers of company.
- § 2. Any company that shall have been or may hereafter be formed under the law to which this is an amendment, may build so much of the road contemplated in their organization as may be for the interest of the company, or for the traveling public, being not less than one mile in all, and shall be entitled to all the rights and privileges upon said finished portion of said road which are granted by the general plank road law and its amendments, for the full term of their organization: *Provided, however*, that such portions of the road so contemplated as may be unfinished after the lapse of five years from the organization of said company, may be vacated, or if at any time after the formation of any company, any other plank road company shall propose to organize for the construction of any unfinished
- Proviso.

portion of any company's road, it shall be lawful for the company having control of such road to surrender such unfinished portion of said road contemplated by their organization to the said newly formed company, by filing such surrender in the county clerk's office in the county wherein said road may be situated.

§ 3. That any team or teams that may travel on any plank road, otherwise than to cross the same at the regular laid-outs, when the termini of the journey of any such teams shall be on different sides of any toll-gate, and shall not pay the regular toll for the use of said road so traveled upon, when demanded, or if they shall leave the road without paying the toll, whether formally demanded or not, such team or teams, and the owner or owners thereof, shall be liable to a fine of ten dollars, to be collected in an action of debt or trespass, before any court of this state having jurisdiction thereof, and in any county in the state where the trespasser may be found; and said fine, when collected, shall be paid to the treasurer of the plank road company instituting such suit, who shall keep a true and accurate account of all moneys received by reason of fines, and shall annually, on the first Monday of January in each year, pay over one half of the nett proceeds of the same to the county treasurer, for the use of the county where said plank road is located, retaining the other half for the use and benefit of said plank road company.

Penalty for refusal to pay tolls.

Disposition of fines.

§ 4. That if any road shall have been or shall be laid out parallel with or in the same general direction with any plank road, within the distance of eighty rods on either side of such plank road, which road the said company shall believe was laid out with the express intention and for the purpose of interfering with such plank road, such plank road company is hereby authorized to file, in the circuit court of the proper county, a petition, setting forth the facts, and if upon free hearing the judge of such court shall be satisfied that such was the intention, he is hereby authorized, by an order to be entered of record, to vacate such road.

Should a rival road be laid out.

Authority of first company.

§ 5. The shares of any company formed under the act to which this is amendatory, shall be deemed personal property, and may be transferred by assignment; which transfer shall be entered upon the books of said company, and such transfers shall show to and from whom transferred.

Shares deemed personal property, and as signable.

§ 6. The provisions of this act, and all amendments to which this is amendatory, shall apply to all plank road companies, whether formed under the general plank road law or whether incorporated under special acts, or otherwise, so far as the same may not impair the provisions of special acts of incorporation.

Act applicable to all plank road companies.

APPROVED Feb. 17, 1851.

in force Feb. 17. AN ACT to amend an act entitled "An act to provide for copying and distributing the laws and journals, and for other purposes."

Contractors for
distribution of
laws allowed
20 days to give
bond.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter contractors for distributing the laws, journals and reports, under the provisions of the fifth and sixth sections of the act entitled "An act to provide for copying and distributing the laws and journals, and for other purposes," approved Feb. 12, 1849, shall be allowed twenty days from the time of opening bids and the acceptance of their proposals, in which to file bonds for the faithful performance of their contracts, as required by law; and it shall be the duty of the secretary of state, immediately after such contracts are awarded, to cause notice to be given to successful bidders.

Reports of su-
preme court to
be distributed.

§ 2. Hereafter it shall be the duty of the secretary of state, whenever the laws and journals are distributed, to cause the reports of the supreme court belonging to the several officers of the respective counties, which may remain in his office, to be distributed in the same manner as said laws and journals.

Eight thousand
copies of acts to
be printed for
distribution.

A sufficient
number hereaf-
ter to be print-
ed to supply of-
ficers entitled
to them.

§ 3. There shall be printed for the use of the state, and for distribution to the several counties, under the provisions of section seven, of chapter sixty-two, Revised Statutes, eight thousand copies of the acts and resolutions of the present session of the general assembly; and hereafter, until otherwise directed, a sufficient number of copies of the acts of each session shall be printed to enable the secretary of state to make such distribution thereof as is now or may be required by law.

Acts of special
session of 1849,
to be printed.

§ 4. The secretary of state shall cause to be printed and bound with the volume of public acts of the present session, the public acts of the late special session of the general assembly, causing said acts of the special session to be placed and indexed in the fore part of said volume.

Extra copies of
acts.

§ 5. It shall be the duty of said secretary of state to cause to be printed and distributed, as now provided by law, a number of copies of said acts of the present and late special session, equal to one-eighth the whole number required for distribution, to be deposited with the counties respectively, in the proportions to which they are now entitled, for future distribution, as the future wants of the respective counties may demand.

Number or acts
hereafter to be
printed.

§ 6. Until otherwise provided by law, there shall be printed for the use of the state, and for distribution to the several counties, eight thousand copies of the laws of the general assembly, over and above the eighth part to be deposited with the counties, as provided for in the above sections.

§ 7. It shall be the duty of the secretary of state to give four weeks' notice, biennially, in the month of May, by advertising in the papers published in the places named as required in the first section of "An act concerning public printing," approved Feb. 8, 1849, that he will receive sealed proposals for executing the printing of the journals, reports and laws, and all other printing ordered by the general assembly. Said proposals to be delivered to the secretary of state within forty days after the last day of May, biennially.

Public printing,
how contracted
for.

§ 8. Hereafter, and until otherwise provided by law, there shall be printed for the use of the state, and for distribution to the several counties, one thousand copies of the reports. This section to apply to the reports of the present session.

Number of re-
ports to be
printed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend chapter four, Revised Laws, entitled "Aliens."

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all aliens may take, by deed, will or otherwise, lands and tenements and any interest therein, and alienate, sell, assign and transmit the same to their heirs, or any other persons, whether such heirs or other persons be citizens of the United States or not, in the same manner as natural born citizens of the United States or of this state might do; and upon the decease of any person having title to, or interest in any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States, and it shall be no objection to any person having an interest in such estate that they are not citizens of the United States, but all such persons shall have the same rights and remedies, and in all things be placed upon the same footing, as natural born citizens and actual residents of the United States.

Aliens to have
the same rights
as citizens, in
relation to the
devise and in-
heritance of
real estate.

§ 2. The personal estate of an alien, dying intestate, shall be distributed in the same manner as the estates of natural born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof, under the laws of this state, whether they are aliens or not.

Personal estate
of intestate
aliens to be dis-
tributed accord-
ing to the
rules applica-
ble in the case
of citizens.

§ 3. This act to be in force from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT extending the time granted the city of St. Louis, by joint resolution of January, 1849, to complete certain works in the state of Illinois, opposite said city, and for the protection thereof.

Two years allowed to the city of St. Louis to complete works for the protection of harbor.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the space of two years, from and after the passage of this act, is hereby allowed to the city of St. Louis, to complete and carry out, so far as the same may be necessary, the works in the state of Illinois opposite said city, intended for the preservation of the harbor thereof, in the manner set forth in the joint resolutions adopted in January, 1849, and in accordance with which the said city entered into bonds to the state in the sum of twenty thousand dollars, binding herself to complete said works within two years from the passage of said joint resolutions.

Said city released from penalties.

§ 2. The city of St. Louis is hereby released from any penalty which may have accrued from the failure to complete the works referred to in the joint resolutions aforesaid, within the period specified therein: *Provided*, she shall, within two years from the passage hereof, complete the same, and especially the dykes W and V, and the dyke and road leading from the foot of Bloody Island to the Illinois shore, in the manner contemplated in said joint resolutions, and the bonds given in conformity therewith. But nothing herein contained shall be so construed as to release the said city of St. Louis from the penalty of said bond, in case of further failure on her part to comply, in good faith, with the conditions thereof, within the time fixed by this act.

Proviso.

Other works authorized below Bloody Island.

§ 3. It shall be lawful for the said city of St. Louis, and power is hereby expressly granted to her proper agents and officers, to erect and construct such other dykes or works of stone, earth, piles or other materials in the Mississippi river, below the foot of Bloody Island, and within the jurisdiction of the state of Illinois, as may be necessary for the safety and protection of the works already constructed, and to continue and carry out the plans adopted to straighten the channel and benefit the harbors of the city of St. Louis and the town of Illinois: *Provided*, however, that nothing in this section shall be so construed as to relieve the said city of St. Louis, or the citizens thereof, from the payment of damages to any party whose property may be injured, or the use and enjoyment thereof interrupted or obstructed, by the construction of such dykes or other improvements within the jurisdiction of the state of Illinois.

Proviso.

Other dykes authorized at the head of Bloody Island.

§ 4. A like permission, with a similar reservation as to private rights, is hereby granted to said city of St. Louis, to make other dykes similar in character to the dykes W and V, at the head of Bloody Island, should the same be necessary; and, also, to revet or otherwise protect the

western shore of Bloody Island, and the shore from the head thereof, and to the upper end of the town of Venice: *Pro-* Provido.
vided, in all such works, due regard shall be had to the interests of citizens of the state of Illinois, and the rights of the several ferry companies and the St. Clair County Turnpike company and Illinois Coal company: *And pro-* Further proviso.
vided, further; that the revetment of the shore, and additional dykes in this section mentioned, shall, when completed, take the place of the longitudinal dyke from Venice to the head of Bloody Island: *Provided*, in the revetment of Provido.
the shore at the Madison Ferry landing, the slope shall be so made as to accommodate the landing of the boats at all stages of water.

§ 5. If any person or persons shall wilfully or maliciously injure, tear down, destroy or remove any of said dykes, or other works constructed by the city of St. Louis, under the joint resolutions of the last legislature, or hereafter to be constructed under this act, within the state of Illinois, he or she and his or her employer, aiders and abettors shall be deemed guilty of a misdemeanor, and subject to an indictment in the county in which such offence shall be committed, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned six months in the county jail, or both, in the discretion of the court in which such conviction is had. Penalty for injuring structures.

APPROVED February 17, 1851.

AN ACT to establish a state road from Rushville, in Schuyler county, to Greenbush, in Warren county. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Edward Doyle, of Schuyler county, and Abraham David, of McDonough county, and Franklin Snapp, of Warren county, be and they are hereby appointed commissioners to lay out and establish a state road from Rushville, in Schuyler county, to Greenbush, in Warren county. Commissioners.

§ 2. It shall be the duty of said commissioners, or any two of them, to proceed to Rushville, in Schuyler county, upon the first day of May next, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace or clerk of said county, to view, mark and locate a road as above designated. To take oath. lay out road.

§ 3. When the said commissioners shall have laid out said road, they shall make out and deliver to clerks of the counties through which said road passes, a copy or plat of said road, which plat by said clerks shall be entered of record in their several offices, and the said entries shall be Plat of road to be delivered to county clerks.

evidence in all courts of this state of the existence of said road.

Compensation of
commissioners
and surveyor.

§ 4. The compensation to each person employed in locating and establishing said road, shall be one dollar per day for each day necessarily employed, exclusive of expenses for provisions, forage for horses, &c., except the surveyor, who shall have two dollars per day for each day so employed.

Expenses.

§ 5. The expenses incurred in establishing said road shall be allowed and paid by each county through which said road is located, in proportion to the distance or length of road in said counties; the same to be made out by said commissioners, or any two of them.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT fixing the time of holding the circuit court in the ninth judicial district.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That from and after the first of June next, in the ninth judicial district the circuit court shall be held in the respective counties at the following times, viz: in the county of La Salle, on the third Tuesday of February and on the first Tuesday of November; in the county of Livingston, on the first Tuesday in March and October; in the county of Kendall, on the second Tuesday of March and on the fourth Tuesday of November; in the county of Bureau, on the third Tuesday in March and second Tuesday in October; and in Putnam county, on the fourth Tuesday in March and second Tuesday in October; in the county of Marshall, on Monday after the fourth Tuesday of March, and on the Monday after the second Tuesday in October in each year.*

When grand jury
not to be
summoned.

§ 2. In the ninth judicial district there shall be no regular grand jury selected or summoned for the October, November or December terms of the several circuit courts: *Provided*, that where it may be necessary, on account of the person accused being in jail, or otherwise, at any such terms, the circuit court may order the sheriff to summon a special grand jury, to examine such matters as may be given them in charge, and the same proceeding may thereupon be had touching such matters as though said grand jury had been selected and summoned as a regular grand jury.

Proviso.

Courts in Kane,
De Kalb,
Boone, and
McHenry to be
held as heretofore
until after

§ 3. That so much of an act entitled "An act to establish the thirteenth circuit," as fixes the time of holding the circuit court in the counties of Kane, De Kalb, Boone and McHenry, shall be of no effect until the first day of June

next, and the circuit court in said counties shall be held in the meantime in the same manner and at the same times as if no such act had been passed.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

the 1st day of June next.

AN ACT to authorize the judges of the supreme court to enter orders and judgments in vacation. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the judges of the supreme court, or a majority of them, shall have power and authority to enter orders and judgments in vacation, in any of the grand divisions of this state, in all cases which have been argued or submitted to the said court during any term thereof, and which have been taken under advisement. Judgments may be entered in vacation, in cases previously argued or submitted.

APPROVED Feb. 17, 1851.

AN ACT to authorize the county clerk of St. Clair county to receive redemptions on forfeited lands heretofore sold to the state. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the clerk of the county court of St. Clair county be and he is hereby authorized to receive the redemption money upon any lands situated in said county of St. Clair, heretofore bought by or forfeited to the state for non-payment of taxes, and now subject to redemption, any thing in the act approved Nov. 6, 1849, to the contrary notwithstanding. Clerk to receive redemption money.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to relocate a part of the state road leading from Farmington to Monmouth. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Harmon Brown, Thomas McKee and John T. Bennett be and they hereby are appointed commissioners to relocate so much of the state road leading from Farmington, in Fulton Commissioners.

Route. county, to Monmouth, in Warren county, as lies between Spoon river and Abingdon, in Knox county. That said relocation shall be made on the most eligible ground, having due regard to private property, commencing at Hill's ford, on Spoon river aforesaid, thence by way of Harrisonville, in Knox county, and a point at the middle of the northern boundary line of section three, in township nine north, of range one east, to the middle of the crossing of Main and Jackson streets, in the town of Abingdon, aforesaid. Said commissioners shall meet at Abingdon aforesaid on or before the first day of July next, and proceed immediately to make such relocation, and shall make a plat and report in writing thereof, and return the same to the county court of said Knox county. Said commissioners shall each receive two dollars per day for their services, which, together with any other incidental expenses, shall be paid out of the county treasury of Knox county.

Time.

Duty of commissioners.

APPROVED Feb'y 17, 1851.

In force Feb. 17, 1851. AN ACT for a geological and mineralogical survey of the state of Illinois.

Geologist to be appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor, auditor and treasurer of the state are hereby authorized and required, as early as may be, to employ a geologist of known integrity and practical skill, for the purpose of making a geological and mineralogical survey of the entire territory of this state.

Duty of geologist.

§ 2. It shall be the duty of said geologist to proceed, as soon as the necessary arrangements can be made, and with as much dispatch as may be consistent with minuteness and accuracy, to ascertain the order, succession, arrangement, relative position, dip and comparative magnitude of the several strata or geological formation within the state; to search for and examine all the beds and deposits of ores, coals, clays, marls, rocks and such other mineral substances as may present themselves, and to obtain chemical analysis of these substances, the elements of which are undetermined, and, by strict barometrical observations, to determine the relative elevations and depressions of the different parts of the state.

To make annual reports.

§ 3. It shall also be the duty of said geologist, during the time employed in the above work, to make annual reports of the progress and results of his labor, accompanied by such maps and drawings as may be deemed necessary, to illustrate the said reports; all of which shall be trans-

mitted to the governor, in such condition that he may, without delay, cause them to be printed and circulated throughout the state, or wherever else he may desire to send them.

§ 4. It shall be the duty of said geologist to procure and preserve a full and entire suit of the different specimens found in the state, and cause them to be delivered to the secretary of state, who shall cause them to be properly arranged in a cabinet, and deposited in some apartment in or convenient to the capitol. Said suit shall be sufficiently large to furnish specimens to all institutions of learning within the state, empowered to confer degrees in the arts and sciences. Specimens required to be preserved.

§ 5. The final reports of said geologist shall embody the results of the entire survey, and shall be accompanied by a geological map of the state, showing, by different colors and other marks and characters, the precise localities and extent of the different geological formations. Final report.

§ 6. For the purpose of carrying out and completing the said survey, the sum of not exceeding three thousand dollars is hereby placed at the disposal of the governor, to be applied to the payment of the said geologist, and such assistants as he may employ, by and with the consent of the governor, auditor and treasurer, and to defray the incidental expenses of the survey; which annual appropriation shall continue until the completion of said survey, or until its discontinuance be ordered by the legislature of this state. \$3,000 appropriated.

§ 7. No money shall be paid to said geologist, or for the purpose of said survey, until the work shall be commenced. Money, when paid.

§ 8. The said survey shall, if practicable, be commenced at the southern part of the state, and be proceeded with northerly. Survey, where commenced.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT authorizing the governor of this state to erect a monument to the memory of Thomas Ford, late governor of this state. In force Feb. 17, 1851.

Whereas it pleased the Almighty Ruler of the Universe to take from our midst, in November last, Thomas Ford, esq., late governor of this state; and whereas the services rendered this state by the deceased entitle his memory to be preserved and handed down to posterity; therefore, Preamble.

Appropriation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of five hundred dollars be and the same is hereby appropriated, out of any moneys not otherwise appropriated, for the purpose of erecting to the memory of Thomas Ford, esq., late governor of this state, a monument or marble slab, with proper inscriptions on the same, at the grave of the deceased; also, for putting an iron fence around the grave.

Authority to governor.

§ 2. That the governor of this state be authorized to carry the foregoing section into effect, and on his certificate of the amount expended, which shall not exceed the amount appropriated by the first section of this act, the auditor of public accounts shall draw a warrant on the treasurer for the same.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT concerning fines and forfeitures within the limits of the city of Belleville.

Fines and forfeitures in Belleville to be paid into city treasury.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the city of Belleville, in St. Clair county, shall be paid into the treasury of said city by the officers collecting the same.

Same provisions applicable to Chicago.

§ 2. The provisions of the preceding section shall apply to and be in force in the city of Chicago.

§ 2. This act shall be in force from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize the circuit court of Cook county to appoint port wardens, and prescribing their duties.

Three port wardens to be appointed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit court of Cook county, at any term thereof, shall appoint three competent and discreet persons, residing in the city of Chicago, to be port wardens for said county, who shall hold their respective offices for the term of four years, and until others shall be appointed by said court, and in case any such officer shall remove out of said county, such removal shall be deemed a resignation of his said office, and the circuit court shall fill such vacancy by a new appointment, at the next term thereof.

Term of office.

§ 2. Before any person so appointed shall enter upon or perform any of the duties of his office, he shall make oath before the clerk of the circuit court of Cook county, faithfully and impartially to discharge all the duties of a port warden as by this act are hereinafter declared, and the clerk shall thereupon deliver to such port warden a certificate of his appointment, under the seal of the court.

§ 3. It shall be the duty of either one of the said wardens, on application of any person, to repair on board any steamboat or other vessel navigating the lakes, rivers or waters within the precincts of said county, and examine the condition of said steamboat or vessel, or the condition of any cargo or lading on board the same, to survey and rate the same. Their duties To take oath of office.

§ 4. It shall also be the duty of either one of said wardens, on application in writing to them, by any person or persons who may receive or be about to receive any goods, wares or merchandise at the port of Chicago, from any steamboat or vessel, within twenty-four hours after said goods, wares or merchandise shall have been landed at said port, and there is reason to think that the same are damaged, to notify the master, owner or agent of such steamboat or vessel of such application, and of the place and time of examining such goods, wares or merchandise, when and where it shall be the right of said master, owner or agent to appear, and, if he thinks proper, to call in one other warden to join in the survey and estimate of damage, he may do so, but if no objection is made, the said warden first selected shall proceed to examine, survey and estimate the damage on said goods, wares and merchandise, and state the cause of the same, from the best evidence presented to him by all parties, and give a certificate of the same; or if two port wardens shall jointly examine, survey and estimate, they shall give a joint certificate of the same, but in case of their disagreement, the two first wardens shall call in the third port warden to decide between them, and the certificate shall in that case be signed by them, or by the two agreeing in the facts respecting the damaged goods, wares and merchandise. Further duties. Damage to goods. Certificate thereof.

§ 5. It shall also be the duty of either of the said wardens, when any goods, wares or merchandise shall be brought to the port of Chicago from any steamboat or other vessel, wrecked or stranded in any of the lakes, rivers or waters within or adjoining this state, to receive the charge and care of the same, provided the person or persons having the same in possession do not, within twenty-four hours after the said goods, wares and merchandise shall have arrived at said port, arrange terms of settlement with the owner of said goods, wares or merchandise, or the agent or consignee thereof, the said warden or wardens so receiving said goods, Goods taken from wrecked or stranded vessels.

When perishable how to be disposed of.

wares or merchandise shall pay all freight from said wreck or stranded steamboat or vessel, charges and other expenses as shall be justly established as being due on the same, for salvage, freighting and care thereof; and said wardens shall put in store, for safe keeping, all or such part of the same as may not be in a perishing condition, and all of said goods, wares or merchandise deemed by him so to be in a perishing condition shall be examined by three disinterested citizens, who may have knowledge in such matters, and if, upon their opinion certified by them that it is advisable, the same should be sold without delay, for the best interest of whom it may concern, then the said wardens shall proceed to give reasonable public notice of sale, and to sell the said goods, wares or merchandise pursuant to said notice, for the account of whom it may concern, taking care to record the sale and all the legible marks on said goods, wares or merchandise, in order that the rightful owner or owners thereof, or their agent or consignees, may claim the proceeds of the sale thereof; and the said warden or wardens, if more than one is acting in the matter or case, is authorized to pay the said owner or owners, or their agents, the proceeds of such sale, upon the legal establishment of their rights of property in the same, after first deducting all legal expenses in the case, of advertising and sale of said goods, wares or merchandise, together with all moneys advanced as aforesaid by said warden or wardens, and also their fees; and further, the said warden is authorized to deliver to the rightful owner or owners, or their agents, of said goods, wares or merchandise put in store for care and keeping by said warden, the said warden or wardens being first paid for all moneys advanced as aforesaid for salvage, care, freight and drayage, and for storage on said goods, wares and merchandise.

Record required to be kept.

§ 6. It shall also be the duty of each of said wardens to keep a fair record of their doings by virtue of said office, and to give copies and certificates thereof, under his hand and seal, to any person on application, and all such copies and certificates shall be taken and deemed *prima facie* evidence of the facts therein duly stated; and for the faithful performance of their duties the said port wardens shall give bonds, such as may be approved by the judge of the circuit court of Cook county, in an amount not to exceed two thousand dollars.

Bonds required from port wardens.

Fees.

§ 7. There shall be paid to each port warden for his services, the following fees, viz: for inspecting of each steamboat or other vessel, or the cargo and storage thereof, not exceeding five dollars, to be paid by the person applying for such inspection; for examining and assessing damages, under and by virtue of the fourth section of this act, not exceeding five per centum on the whole value of the

goods, wares or merchandise examined and assessed by him—said value to be ascertained by the invoices of said goods, or by the market value thereof—fees to be paid by the applicant; or if there be found no damage on said goods, the applicant shall pay for the service of said warden in examining said goods, a fee of one dollar, and if he is employed more than one hour, fifty cents for every additional hour. For duties under and by virtue of the fifth section of this act, on all sales of damaged goods, wares and merchandise, not exceeding five per centum on the gross amount of said sale or sales by said warden or wardens effected; and for certificate or copy of record, fifty cents.

§ 8. The judge of the circuit court of Cook county is hereby authorized and empowered, on application made by petition to him from the board of trade of the city of Chicago, to reduce and fix the compensation allowed by this act to the said port wardens for their service. Reduction of fees, how made

§ 9. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to define the time of holding the circuit courts in the eleventh judicial circuit. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the counties of Will, Du Page, Iroquois, Grundy and Kankakee (if said county of Kankakee shall become organized) shall constitute the eleventh judicial circuit. Counties composing 11th circuit.

§ 2. That from and after the first day of July next the times of holding courts in said circuit shall be as follows, to wit: In the county of Will, on the second Mondays of April and September of each year; in the county of Du Page, on the fourth Mondays of April and September of each year; in the county of Grundy, on the second Mondays after the fourth Mondays of April and September of each year; in the county of Iroquois, on the fourth Mondays after the fourth Mondays of April and September of each year; in the county of Kankakee (if such county shall become organized) the courts shall be held at such times as the judge of said court shall direct. Time of holding courts.

§ 3. The judge of the eleventh judicial circuit shall hold the spring terms of the circuit court for the present year in the counties of Boone, McHenry and Winnebago, in the same manner as if this law had not been passed. Spring terms for 1851.

Election of
state's attor-
ney.

§ 4. The election of a state's attorney for said circuit shall be held on the first Tuesday of April next, instead of the first Thursday of said month, as provided in the eighth section of "An act to establish the thirteenth judicial circuit," approved February fourth, eighteen hundred and fifty-one; and it shall be the duty of the secretary of state to cause a copy of this act to be immediately forwarded to the clerks of the circuit and county courts of the several counties composing said judicial circuit.

This act to take effect on its passage.

APPROVED February 17, 1851.

In force March 1, 1851. AN ACT to amend chapter nine of the Revised Statutes, entitled "Attachments in circuit courts."

Notice, when to
be published.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon the return of attachments issued in aid of actions pending, unless it shall appear that the defendant or defendants have been served with process in the original cause, notice of the pendency of the suit, and of the issue and levy of the attachment, shall be published as is required in cases of original attachment; and such publication shall be sufficient to entitle the plaintiff to judgment, and the right to proceed thereon against the property and estate attached, and against garnishees in the same manner, to the same extent, and with like effects as if the suit had been commenced by attachment.

This act applica-
ble to actions
now pending.

§ 2. In actions now pending in court plaintiffs may give the notice and proceed therein under the provisions of this act.

This act shall take effect on the first day of March next.
APPROVED February 17, 1851.

In force Feb. 17, 1851. AN ACT to legalize certain acts and proceedings of the county court of Du Page county, and to provide for transcribing certain records of the Du Page county circuit court.

Preamble.

Whereas the county court of Du Page county continued to hold and exercise jurisdiction over the county business of said county after the election of officers under the township organization, to wit: from the March term of said court, A. D. one thousand eight hundred and fifty,

until the Tuesday after the first Monday in November following; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all Acts legalized. and singular the acts and proceedings of the said county court, touching the business of said county during the time aforesaid, are hereby declared to be as valid in law as though the township organization had not been adopted in said county.

§ 2. *And be it further enacted,* that Hugh Henderson, Commissioners to examine records of circuit courts. Nathan Allen and Abram R. Dodge be and they hereby are appointed commissioners to examine the judgment and execution docket and other records of the Du Page county circuit court, and if in the opinion of said commissioners it shall be necessary, in order to the preservation of the same, that they or any portion thereof be transcribed, said commissioners shall make report thereof to the said court, at its April term, A. D. one thousand eight hundred and fifty-one; which report shall be entered upon the records of said court; whereupon it shall be the duty of the judge of said court to make such order as he shall deem necessary and proper in the premises, to enable the clerk of said court to procure the necessary book or books for such purpose, and to transcribe the records aforesaid. In what case to be transcribed.

§ 3. It shall be the duty of the said commissioners to fix in their reports aforesaid the compensation which said clerk shall receive for services rendered, in pursuance of this act; and when such transcript shall be completed it shall be the duty of said clerk to certify his services to the board of supervisors of said county, at any regular or adjourned meeting thereof, who shall audit and order the same to be paid out of the treasury of said county. Fees of clerk for transcribing records.

This act shall be in force from and after its passage.

APPROVED February 17, 1851.

AN ACT regulating the payment of money out of the treasury.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever any person shall be entitled to a warrant on the treasurer, on any account whatever, against whom there shall be any account or claim in favor of the state then due and payable, the auditor of public accounts shall ascertain the amount due and payable to the state as aforesaid, and issue a warrant on the treasurer, stating the amount for which Manner of issuing warrants to persons against whom the state has a set-off.

the party was entitled to a warrant, the amount deducted therefrom, and on what account, and directing the payment of the balance; which warrant so issued shall be entered on the books of the treasurer as for the amount the party was entitled to, but the balance only shall be paid: *Provided, however,* that the action of the auditor under the provisions of this act shall not be conclusive upon any party who may receive any warrant issued as aforesaid, but such party shall have the right to contest, in any court having jurisdiction, the correctness of any decision of the auditor under the provisions of this act.

Proviso.

Right of set-off
not to be af-
fected by trans-
fer of claim
against state.

§ 2. No sale, transfer or assignment of any claim or demand against the state, or right to a warrant on the treasurer, shall prevent or affect the right of the auditor to make the deduction and offset provided in the foregoing section.

This act shall take effect on its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT authorizing an additional constable to be elected in Preston precinct, in Randolph county.

Additional con-
stable.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Preston precinct, in the county of Randolph, shall be and is hereby entitled to one constable in addition to the number now allowed by law.

Manner of elec-
tion.

§ 2. The election for said additional constable shall be ordered and held in the same manner as is now provided by law for filling vacancies in the office of constable, and agreeably to the election laws now in force; and the constable elected under the provisions of this act shall give bond and qualify, and shall be entitled to the same fees, and be liable to the same extent as other constables in this state.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb'y 17, 1851.

AN ACT providing for a special appropriation.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor be and he is hereby authorized and required to draw his warrant in favor of Richard M. Young, for the sum of one thousand dollars, in full for services rendered the state in procuring the re-examination and re-statement of the account relating to the three per cent. school fund due the state of Illinois; and that the same be paid from the funds received from the United States for the encouragement of learning, under the ordinance of April eighteenth, one thousand eight hundred and eighteen.

\$1000, appro-
priated to R.
M. Young.

This act to be in force from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to establish a general system of banking.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of different denominations, not less than one dollar, as he may, from time to time, deem necessary to carry into effect the provisions of this act; such blank circulating notes shall be countersigned, numbered and registered in proper books, to be provided and kept for that purpose in the office of the auditor, under whose direction, by such person or persons as the said auditor shall appoint for that purpose, so that each denomination of each circulating note shall bear the signature of such register, or one of such registers.

Auditor to pro-
cure bank notes
to be engraved
and printed.

§ 2. Whenever any person, or association of persons, formed for the purpose of banking under the provisions of this act, shall lawfully transfer to and deposit with the auditor any portion of the public stock issued, or to be issued, by the United States, or any state stocks on which full interest is annually paid, or the stocks of this state—the latter stocks to be valued at a rate twenty per centum less in value than the market price of such stocks, to be estimated and governed by the average rate at which such stocks have been sold in the city of New York, within the previous six months preceding the time when such stocks may be left on deposit with the auditor, and in no case shall the auditor issue bills for banking purposes, on bonds of this or any other state,

When to be de-
livered to asso-
ciations or per-
sons.

on which less than six per cent. is not regularly paid, unless there shall be deposited with him at least two dollars in bonds, exclusive of the interest, for every dollar in bills so issued. Such person, or association of persons, shall be entitled to receive from the auditor an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; and it shall not be lawful for the auditor to take such stock at a rate above its par value: *Provided*, that stock shall in no instance be received by the auditor at a rate above the market value at the time of the deposit by said banker or association.

List of notes to be delivered to treasurer. § 3. A descriptive list of the circulating notes so registered and signed shall be delivered to the treasurer, who shall copy the same in the book hereinafter required to be kept by him, for recording descriptive lists of securities deposited with him for safe keeping.

Loan and circulation of notes authorized. § 4. Such person, or association of persons, are hereby authorized, after having executed and signed such circulating notes, in the manner prescribed by this act, payable on demand, at the place of business, within this state, to loan and circulate the same as money, according to the ordinary course of banking business.

Securities to be deposited with treasurer. § 5. Three descriptive lists of the securities transferred to the auditor as aforesaid, shall be made and signed by the auditor and persons making the transfer, one in a well bound book, to be kept by the auditor for that purpose, one in a like book to be kept by the treasurer, and one in a book to be kept by the association; and said securities shall then be delivered to the treasurer for safe keeping, who shall receipt to the auditor for the same, and who shall be responsible for any loss or destruction thereof, growing out of or resulting from negligence, or the want of reasonable precaution and care. The whole or any part of said securities may be re-delivered to the auditor, for the purposes of being sold under the provisions of this act, or being used or disposed of under any order or decree of court, or of being returned to the owner, in conformity with the provisions of this act—the auditor, in either case, giving a receipt upon the book kept by the treasurer aforesaid, specifying therein the purpose for which such re-delivery was made; which receipt shall discharge the treasurer from all further responsibility.

Associations. § 6. Any number of persons may associate to establish offices of discount, deposit and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall Amount stock. not be less than fifty thousand dollars.

Certificate. § 7. Such persons, under their hands and seals, shall make a certificate, which shall specify:

First. The name assumed to distinguish such association, Name.
and to be used in its dealings.

Second. The place where the business is to be carried on, Place.
designating the particular city, town or village.

Third. The amount of capital stock, and the number of Shares.
shares into which the same shall be divided.

Fourth. The names and residence of the shareholder, Names and resi-
dence.
and the number of shares held by each of them respectively.

Fifth. The period at which such association shall com- Period of asso-
ciation.
mence and terminate; which certificate shall be acknow-
ledged and be recorded in the office of the recorder of the
county where any office of such association shall be estab- Certificate to be
filed.

lished, and a copy thereof shall be filed in the office of the
secretary of state and the auditor of state; and upon the
recording of which certificate the person or association of
persons aforesaid shall become a body politic and corporate,
by the name assumed as aforesaid, for and during the time
fixed in the certificate, and by such name shall have power Corporate pow-
ers.
to make contracts; to grant and receive; to sue and be
sued; to plead and be impleaded, in all courts and places
wherein legal or judicial proceedings may be had; to have
and use a common seal, and alter the same at pleasure; to
have, hold, use and enjoy property, real, personal and mix-
ed, with the rents, issues and profits thereof; and to exer-
cise all other powers conferred by this act; and all grants
or conveyances of real estate shall be under the seal of the
corporation, signed by the president, and countersigned by
the cashier.

§ 8. A copy of the certificate required by the — sec- Certified copies
of certificate
to be evidence.
tion of this act, duly certified by the recorder of the coun-
ty and secretary of state, or by either of those officers, may
be used as evidence in all courts and places against any
such association, or any other person for or against whom
any such evidence may be necessary, on any civil or crim-
inal trial.

§ 9. Such associations shall have power to carry on the Banking pow-
ers.
business of banking, by discounting bills, notes, and other
evidences of debt; by receiving deposits; by buying and
selling gold and silver bullion, foreign coins, and bills of
exchange; by loaning money on real and personal securi-
ties, and by exercising such incidental powers as may be
necessary to carry on such business; may choose one of
their number as president, and appoint a cashier and such
other officers and agents as their business may require.

§ 10. The shares of said association shall be deemed Shares of stock
to be deemed
personal prop-
erty, &c.
personal property, subject to taxation, and shall be trans-
ferable on the books of the association, in such manner as
may be agreed on in the articles of association; and every
person becoming a shareholder by such transfer, shall, in
proportion to his shares, succeed to all the rights and liabil-

ities of shareholders by whom the transfer was made. No change shall be made in the articles of association, or of the shareholders or members thereof, by which the right, remedies or securities of its existing creditors shall be impaired. Such association shall not be dissolved by the death or insanity of any of the shareholders therein, when there is more than one shareholder in such association. Taxes shall be levied on and paid by the corporation, and not upon the individual stockholders: the value of the property to be ascertained annually by the bank commissioners herein provided for; and the rate of taxation shall be the same as that required to be levied on other taxable property by the revenue laws of the state.

Corporation to
be taxed.

President and
cashier to sign
contracts, &c.

Suits.

Actions against
corporation.

Power of attor-
ney.

Surrender of se-
curities.

§ 11. Contracts made by any such association, and all notes and bills by them issued, and put in circulation as money, shall be signed by the president and cashier thereof; and all suits, actions and proceedings, brought or prosecuted by, or in behalf of such association, may be brought or prosecuted in the name of the corporation; and no such suit, action or proceeding shall abate by reason of the death, resignation or removal from office of any president, but may be continued and prosecuted according to such rules as the court of law and equity may direct.

§ 12. Any persons having demands against any such association, may maintain actions against the corporations; which suits or actions shall not abate by reason of the death, resignation or removal from office of any president, but may be continued and prosecuted to judgment against the corporation; and all judgments and decrees obtained against such corporation, for any debt or liability of such association, shall be enforced against the property of the same, except such judgments or decrees as may be obtained against shareholders as herein provided.

§ 13. The auditor may give to any person or association of persons, so transferring stocks, in pursuance of the provisions of this act, power of attorney to receive interest or dividends thereon, and apply the same to their own use; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the auditor, the principal of such stock shall become insufficient security; and the auditor may, upon the application of the owner or owners of such stock, re-transfer to such owner or owners, upon receiving and cancelling an equal amount of such circulating notes, delivered to him by each person or association, in such manner that the circulating notes shall always be secured in full by the pledge of stocks; which circulating notes after descriptive lists thereof have been made and recorded by the auditor and treasurer, shall, in presence of these officers, be consumed by burning.

§ 14. In case such person or association of persons shall fail or refuse to pay any bill or note on demand, in the manner specified in the seventeenth section of this act, the auditor, after ten days' notice given in two newspapers printed in the city of New York, therein mentioned, may proceed to sell, at public auction, in the city of New York, the public stock so pledged, or such portion as may be necessary, and out of the proceeds of such sale shall cancel and pay the said bill or note, default in paying which shall have been made as aforesaid; but nothing in this act contained shall be considered as implying any pledge on the part of the state for the payment of said bills or notes, beyond the proper application of the securities pledged to the auditor for their redemption.

Proceedings in case of failure to redeem bills.

§ 15. The public stock to be deposited with the auditor by any such person or association, shall be—first, for the redemption of bills or notes of such person or association, put in circulation as money, until the same is paid; second, for the payment of all other liabilities, and the excess for the use of stockholders.

Application of securities.

§ 16. The plate, dies and materials to be provided by the auditor for the printing and marking of the notes provided for hereby, shall remain in his custody and under his direction; and the expense incurred in executing the provisions of this act, shall be audited and settled by the auditor, and paid out of any money in the treasury not otherwise appropriated; and for the purpose of re-imbursing the same, the said auditor is authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon as may be sufficient for that purpose.

Plates, dies, &c. to remain in custody of auditor.

§ 17. It shall not be lawful for the auditor, or other officer, to countersign bills or notes for any person or association, to any amount, in the aggregate exceeding the public stock deposited with the auditor by such person or association, as provided in the second section of this act; and any auditor, or other officer, who shall violate the provisions of this section, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, and be imprisoned not less than five years in the penitentiary.

Amount of notes not to exceed securities.

Penalty.

§ 18. Every association under the provisions of this act, shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for the non-payment thereof, in lieu of interest, at the rate of twelve and one half per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damage thereon. The president and cashier of every association formed pursuant to the provisions of this act, shall

Damages for non-payment of bills.

List of share-
holders.

keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the auditor, on the first Monday in January, in every year.

Notes, where
payable.

§ 19. It shall not be lawful for any association under this act, to make any of its bills or notes, put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

Notes to be pay-
able on demand
in specie.

§ 20. No banking association or individual banker shall issue or put in circulation any bills or notes of such association or banker, unless the same shall be made payable on demand. And every such association or bankers shall always keep on hand a sufficient amount of specie to redeem all such bills or notes as they may be presented at the place of payment.

Mutilated notes
to be exchanged
by auditor,
and lists there-
of to be kept.

§ 21. It shall be the duty of the auditor to receive mutilated notes issued by him, and re-deliver, in lieu thereof, other circulating notes, to the same amount. And two descriptive lists of such mutilated notes so received, and of notes re-delivered, shall be made; one to be retained by the auditor, the other by the treasurer, and copied in each office on the book kept for the purpose of recording descriptive lists of securities; and all such mutilated notes shall, at the time they are received, be consumed by burning, in the presence of said officers.

Grants, &c. pre-
ferring credit-
ors, to be void
as to other cred-
itors.

§ 22. All grants, conveyances, assignments, transfers, sales, or other disposition of property, rights, credits or effects by any such corporation, for the purpose or with intent to secure the payment of one liability in preference to another or others, or in any manner to secure any priority or preference to any one or more creditors, or which shall be intended to have such operation or effect, shall be void in respect to all other persons and creditors whose rights or remedies may be effected thereby.

Purposes for
which real es-
tate may be
held and con-
veyed.

§ 23. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

1st. Such as shall be necessary for its immediate accommodation, banking-houses, and buildings connected therewith in the transaction of its business.

2d. Such as shall be mortgaged to it in good faith, by way of security for loans made by and money due to such association.

3d. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as it shall purchase at sales under judgments, decrees or mortgages held by such association, and at sales under judgments and decrees in favor of others, where it

is done with the sole view of securing and saving debts due, or to become due to such corporation.

§ 24. The said association shall not purchase, hold or convey real estate in any other case or for any other purpose whatever; and all conveyances of such real estate shall be made to the corporation, and which the president and cashier, or either, may sell, assign, grant or convey under the direction of the association, free from any claim thereon in favor of or against the shareholders, or any person claiming under them.

Restrictions in purchase and sale of real estate.

§ 25. Upon the application of the auditor, the shareholders of any such association, whose debts or shares shall amount to three thousand dollars, and stating facts, verified by affidavit, the judge of the circuit court of the county in which the business of the association may be conducted, may order an examination to be made by any competent person or persons, to be by him appointed, of the affairs of such association, for the purpose of ascertaining the safety of its investments and the prudence of its management; and the result of such examination, together with the opinion of the judge thereon, shall be published in such manner as he shall direct, and who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

Investigation of affairs of banks when made.

§ 26. In case the maker or makers of any such circulating notes, countersigned and registered as aforesaid, shall, at any time hereafter, on lawful demand, during the usual hours of business, between the hours of ten and three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem them in the lawful money of the United States, the holder of such note or notes making such demand may cause the same to be protested for non-payment, by a notary public, in the usual manner, and the auditor, on receiving and filing in his office such protest, shall forthwith give notice, in writing, to the association or banker, the maker or makers of such notes, to pay the same, and if he or they shall omit to do so, the auditor shall, immediately thereupon, (unless such association or banker shall satisfy him by affidavits filed in his office that they or he had a good defence as against the person presenting the same to a recovery thereof,) give notice in at least one paper printed (if any paper is so printed or published) at the place of business of such person or persons, bank or association, so refusing payment of any notes, (and in one newspaper published at the seat of government of the state of Illinois,) that all the circulation issued by such person or association will be redeemed out of the trust funds belonging to the maker or makers of such protested note, to the payment, *pro rata*, of all such circulating notes, whether protested or not, and to adopt such measures for

Failure to redeem.

Protest.

Duty of auditor.

the payment of such notes as will, in his opinion, most effectually prevent loss to the holders thereof. And so soon as any such note shall be protested as aforesaid, a copy of such protest shall be delivered to the president, cashier or principal clerk at the office or place of business of the association. The powers and duties of any such association or banker over or with the same shall cease and determine, and all the officers connected with the same shall be prohibited from exercising any control whatever over the same, unless by the decision or decree of the court in which proceedings may be had for the appointment of receivers and winding up the affairs of the association, it shall be determined that such association was not bound to pay the note or bill protested as aforesaid, the protest thereof to the contrary notwithstanding: *Provided*, that the legal existence of the corporation shall continue for purposes or proceedings in courts for and against the same, and of avoiding the loss of property of any kind, for want of a person in being to hold the same, but for no other purpose whatever. And it shall be the duty of the auditor to apply to any judge of the circuit court of this state, whose duty it shall be to appoint (a disinterested person or persons) a receiver or receivers, to take the assets and property of every such banker or association into his or their possession, and collect debts due, and apply all such assets and property as may come into his or their possession, under the direction of the circuit court of the county in which the corporation was located—first, to the redemption or payment of circulating notes; second, to the payment of all other indebtedness; and third, to the payment of stockholders on account of stocks invested. Receivers appointed under the provisions of this act shall give bond and security as may be required by the judge or court appointing them.

§ 27. That the distribution and application of all the means, assets, and property of any such banker or association, as shall come into the hands of any such receiver or receivers, or as shall be in the hands of the auditor, shall first be applied in payment and satisfaction of all notes issued as and for a circulating medium, by any such banker or association.

§ 28. The amount of stock owned and held by any individual banker, or by any stockholder in any such association, shall be held and controlled by the receiver or receivers as aforesaid, for the payment of any note put in circulation; the said liability to continue for the space of six months after the assignment by him of any such stock; and any stockholder, who is really the party in interest, shall be liable as aforesaid, although such stock may be held and recovered in the name of some other party or individual.

Power of corporation to cease.

Proviso.

Receivers.

Application of assets.

Notes in circulation to be first paid.

Liability of bankers.

§ 29. The names of all stockholders in any such association shall be written, at length, and in legible characters, and shall be continually exposed, during banking hours, for public inspection; and every transfer of stock, with the date of assignment, shall be exhibited in like manner.

List of stockholders required to be kept for public inspection.

§ 30. That each and all the provisions of this act shall apply to and control, in all respects, any banker who shall conduct business under the provisions of this law, whether the word banker is or is not used in any such provision.

Application of provisions of this act.

§ 31. At the next session of the general assembly after this act takes effect, and every fourth year thereafter, the governor shall nominate, and by and with the advice and consent of the senate appoint, three citizens of the state as bank commissioners, whose duties shall be to make annual examination in respect to the affairs and business of associations incorporated under the provisions of this act, and in respect to the condition and management thereof, and also to inspect the securities filed with the auditor and treasurer, so as to be able to determine whether or not any change has been made in said securities, as well as in respect to the sufficiency of such securities to meet the liabilities of the corporation, and to report thereon to the auditor and to each corporation. Such commissioners shall have power to examine all books, papers and documents appertaining to the business of the corporation, and to swear or affirm all officers, agents and others connected with the corporation, in respect to any matter or thing about which they have the right to enquire, and their reports shall be published at the seat of government, and such other papers as they may direct.

Bank comm'rs, appointment, powers and duties of.

§ 32. If the said bank commissioners shall ascertain, upon any examination which they may make, that any change has been made in the securities deposited with the treasurer, or that any part thereof has been lost, destroyed, or improperly withdrawn, or in any way or manner misused or misapplied, or that securities have from any cause become lessened in value or insufficient as security for the redemption of bills or circulation, they shall notify the president and cashier of such association or corporation liable to be affected by any such state of facts, of the discovery thereof, and require the transfer and deposit of other securities, of like kind and value with those originally transferred, to supply the place of those changed, lost, destroyed or improperly withdrawn, or which shall have become insufficient security as aforesaid, in a reasonable time, to be fixed by said commissioners; or that said association or corporation surrender to the auditor to be burned, a sufficient amount of bills to reduce the liability of such association to such sum as that the securities in possession of the treas-

Diminution of securities, how remedied.

urer, will be sufficient for the redemption of all bills or notes not so surrendered; and in case of any failure to comply with any such requisition, the commissioners shall report the facts to the auditor as well as to all the other associations incorporated under the provisions of this act; and the auditor shall thereupon proceed to put such defaulting association or corporation into liquidation, as provided for in cases of failure to redeem or pay notes or bills on demand.

Quorum.

§ 33. Any two of said bank commissioners shall constitute a quorum to transact business.

Reports to auditor.

§ 34. Every banking association or individual banker who shall hereafter carry on banking business under the provisions of this act, shall make out and transmit to the auditor of state a full statement of its affairs, as they existed on the first Monday of January, April, July and October of each year, verified by the oath of its president and cashier; which statement shall be deposited in the office of said auditor, by the twentieth day of each of said months in each year; which statement shall be published, quarterly, in the nearest newspaper; and such statement shall contain—

Am't of stock.

1st. The amount of capital stock of the association or individual banker, paid in and invested according to law.

Value of real estate.

2d. The value of the real estate, specifying what portion is occupied by the association or individual banker for the transaction of business.

Claims.

3d. The debts owing to the association or individual banker, and the date and amount of each bill or note discounted, and when the same was made payable.

Debts.

4th. The amount of debts owing by the association or individual banker, and the amount deposited in other banks.

Notes in circulation.

5th. The amount of notes or bills, then in circulation, of said association or banker; of loans and discounts, and specie on hands; what amount of notes of other banks is held by such banker or association.

Suspended debt.

6th. The amount of suspended debt held by such association or banker.

Penalty for neglect to report.

§ 35. Every association, or individual banker, that shall neglect or refuse to make out and transmit the statement required in the — section of this act, shall be restrained from the further prosecution of the banking business, and shall forthwith go into liquidation.

Securities, when to be surrendered.

§ 36. Whenever any individual banker or association, desirous of relinquishing the banking business, shall have redeemed, at least, ninety per cent. of their circulating notes, and shall produce a certificate of a deposit to his credit, in such bank as the auditor may approve, to an equal amount with the notes of such banker or association, it shall be lawful for the auditor to receive the same, and to give up all

the securities theretofore deposited by such banker or association, for the redemption of the notes issued.

§ 37. Such association or individual, after having com- Notice.
plied with the provisions of the preceding section of this act, may give notice, for three years, in a paper published at the seat of government, and also in at least one paper published in the county where the said association or bank shall have been located, that all circulating notes issued by such association or banker must be presented at the auditor's office, within three years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the auditor shall surrender, to the order of said association or banker, any securities which he may hold for the payment of any unredeemed notes of the said association or banker; such notice to be published at least three weeks in each six months of each year.

§ 38. That any such association or banker, doing busi- Rate of interest.
ness under the provisions of this act, shall not be authorized to take or receive exceeding seven per centum per annum as interest on any real or personal security; which interest may, in all cases, be received in advance; and in the computation of time thirty days shall be a month and twelve months a year.

Notes, bills, and all other evidences of indebtedness to corporations or associations organized according to the provisions of this act, falling due or maturing on the Sabbath, or on the Fourth of July, or on Christmas, or New Year's day, shall be deemed as due or as having matured on the day previous. Maturity of notes falling due on Sunday, &c.

The stockholders in every corporation or association organized under the provisions of this act, shall be individually responsible to the amounts of their respective share or shares of stock for all of its indebtedness and liabilities of every kind, to the full intent provided for in the constitution of this state. Individual responsibility.

When the property, rights, credits, assets, and effects of any corporation or association put into liquidation, under the provisions of this act, shall have been exhausted in the redemption of notes and payment of liabilities, and there shall remain unpaid any indebtedness or liability of any kind, any person having right or cause of action upon or on account of any such remaining indebtedness or liability, shall have remedy, in any court of record having jurisdiction, against the stockholders for the amount due upon such indebtedness or liability; and to enforce this remedy, any such person may institute and maintain any appropriate action or suit in equity against the corporation or association, and upon the trial of such action or the hearing of such suit, if Proceedings in liquidation, when assets are exhausted.

judgment or decree is attained against the corporation or association, the court shall direct an issue or issues to be made in the cause, for the purpose of ascertaining and deciding upon the liability and extent thereof of each stockholder under and according to the provisions herein, and of the constitution; and upon the decision of such issue or issues, the court shall enter judgment or decree against each stockholder for the amount and to the extent of his, her or their liability so ascertained; upon which judgment executions may issue against the stockholders in succession, until the amount of the judgment against the corporation shall be paid or collected, or the liabilities of the stockholders extinguished; and payments or collections made upon judgments against stockholders, shall operate to extinguish the liability of such stockholders to the extent or amount of such payments or collection.

Judgments and decrees. Judgments or decrees entered against stockholders, under the provisions of this act, shall stand and remain as security for the payment of any judgment or decree which may thereafter be obtained against the corporation under the provisions hereof; and when any such subsequent judgment or decree shall be obtained, the court shall order execution or executions to issue against stockholders liable to pay the same, until the amount shall be paid or collected, or the liabilities of stockholders shall be extinguished.

Proceedings in case of two or more judgments, &c. Whenever two or more judgments or decrees are obtained at the same term of the court in favor of different parties against any corporation, under the provision of the three foregoing sections, the aggregate amount of which shall exceed the amount for which the stockholders are liable, the court shall direct the amount collected to be divided between the said parties *pro rata*, or in proportion to the several amounts, and the same apportionment shall be made of money collected on any such judgments when the whole amount thereof cannot be collected.

Satisfaction. Whenever any stockholders shall have paid the amount that he, she or they is or are liable, the court shall, on motion and proof of the facts of each payment, order satisfaction of the judgment, as against or in any respect to such stockholder, to be entered of record.

Submission of this act to the people, time of. § 39. At the general election to be held on the Tuesday next after the first Monday in November, one thousand eight hundred and fifty-one, at all the usual places of holding elections in this state, for the election of senators and representatives to the general assembly, the question whether or not this act shall go into effect, or in any manner be in force, shall be submitted to the people, and if the same is approved by a majority of all the votes cast at said election for and against the same, it shall go into effect and be in force from and after the date of said election; otherwise it shall not go into effect or in any manner be in force,

§ 40. Every person voting at said election shall have the right to use a ticket or ballot, with the words written or printed thereon, "For the general banking law," or "Against the general banking law;" which words shall indicate the vote of the elector for or against the approval of this act; and upon canvassing and counting the votes, each clerk of the election shall carefully mark down the votes given upon said questions, in separate columns prepared for that purpose, headed "For the general banking law," "Against the general banking law;" and the judges or board of election shall, in the certificate required to be given of the result of said election, include the number of votes given for and against the general banking law as aforesaid.

Manner of vot-
ting.

§ 41. In making the abstracts of votes given at said election, as required by the election law, the clerks shall make separate abstracts of the votes given under the provisions of this act, which shall be on one sheet, a copy of which shall, without delay, be transmitted by mail or other safe conveyance to the office of the secretary of state, indorsed thereon by the clerk, "Abstract of votes for and against banking," or in words clearly indicating the contents of the paper; and the abstract so transmitted shall be opened and the votes canvassed in the time and manner, and by the officers provided for in relation to the election for representatives to congress; and if it should appear that a majority of the votes cast upon said question are for the general banking law as aforesaid, or if it shall appear that the majority of votes cast are against said law, the officers canvassing the votes, shall under their hands, make a certificate of the facts, stating the number of votes given for and against said law, and file the same in the office of secretary of state, to be by him recorded and filed with the enrolled act to which it refers; and the said certificate or a copy thereof, certified by the secretary of state or keeper of enrolled laws, under the seal of office, shall be conclusive evidence of the facts therein stated; and upon the making and filing thereof, the secretary of state shall cause the same to be published, three weeks in succession, in two newspapers published at the seat of government.

Return and can-
vass of votes.

No corporation or association organized under the provisions of this act, shall exist longer than twenty-five years.

Limitation of
corporations.

The foregoing act having passed both houses of the general assembly, and having been laid before the governor, was by him, on the 15th day of February, A. D. 1851, returned to the house of representatives, in which it originated, with his objections thereto in writing, and on the same day, being reconsidered, passed the house of representatives and the senate, by a majority of all the members elected thereto respectively, and thereby became a law, the objections of the governor to the contrary notwithstanding.

In force Feb. 17, AN ACT to amend chapter ninety-three of the Revised Statutes, and to locate certain roads.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That county surveyors may act as road viewers in their respective counties, without further qualification, and may administer the proper oath of office to other road viewers who may be associated with him or otherwise. Road viewers may assess damages incident to the laying out of roads, and report their assessment to the county courts of the counties in which such roads may be located.

County surveyors may be road viewers.

§ 2. That Jesse McCutchin and David Brewer, of Fulton county, and Solar Blakesly and S. B. Anderson, of Knox county, are hereby appointed commissioners to view and locate a state road commencing at the town of Canton, in Fulton county, running thence, upon the most direct route and feasible one, to the town of Knoxville, in Knox county; and in all cases to locate the same upon the route of any (now) established road, whether county or state road, or such parts of any such road when the same can be so done consistently with the route.

Commissioners to locate road from Canton to Knoxville.

§ 3. That Thomas Standard, Josiah Moore and Anson Smith, of Fulton county, be and they are appointed commissioners to view and locate a state road commencing at the town of Canton, in Fulton county; thence, upon the most direct and feasible route, to the town of Ellisville in Fulton county, and so far as consistent to locate the same upon the most established road along said route.

Road from Canton to Ellisville.

§ 4. That Justice Bangs, Josiah S. Flink and Willard Cook be and they are hereby appointed commissioners to lay out, mark and locate a state road from Algonquin, in McHenry county, by the way of the village of Wauconda, in Lake county, and running, in a northerly and easterly direction, to some point as near the toll-gate at John Gage's residence, in Lake county, as the viewers may deem proper. Two or all of said commissioners shall meet, within six months from the passage of this act, at the village of Wauconda, in Lake county, and proceed to perform the duties of this act.

Road from Algonquin to John Gage's residence.

§ 5. Said commissioners shall return a plat, with the courses and distances thereof, to the board of supervisors of each county through which said road shall pass, giving an entire view of the location of the whole road; which shall be filed and recorded.

Plat to be made out and returned.

§ 6. The compensation allowed shall be as follows: to each commissioner, one dollar and fifty cents per day; to the surveyor, two dollars per day; to chainmen, axemen, and other hands, one dollar per day, exclusive of incidental expenses for provisions, forage and hire of teams. They

Compensation.

shall keep an accurate account of the time employed and expenses incurred, the persons to whom due, and certify the same to the board of supervisors or county court; the whole being added, each county shall allow and pay the amount due in proportion to the distance or length of such road in each county.

§ 7. It shall be the duty of each and every board of supervisors or county court through whose county said road may pass, to cause the same to be opened, worked and kept in good repair as other state roads. The said commissioners, before they enter upon their duties, shall be bound to locate the said road according to the best of their abilities, and without fear, favor or partiality.

Duty of board of supervisors, or county court.

§ 8. That as much of the act entitled "An act declaring a certain road therein named a state road," in Fulton county, approved February sixteenth, one thousand eight hundred and forty-seven, as provides that "it shall not be lawful for any person, persons or corporation to erect any toll-gate, demand or receive any toll or tax from any passengers or travelers upon said road," be and the same is hereby repealed.

Part of act relating to road in Fulton county repealed.

§ 9. That Daniel Grovandyke, David W. Barnes and Henry S. Hyatt be and they are appointed commissioners to view, lay out and locate a state road commencing at any convenient point in the town of Canton, in Fulton county, running from thence and upon the most direct and practicable route, by way of Monterey and Utica, to or near the mouth of Copperas creek on the Illinois river. Said commissioners shall lay out such road four rods wide, and over or upon the track of any such road or street now used and considered as a public highway, or such parts thereof as can be reasonably used for that purpose, as the said commissioners, or a majority of them, shall in their judgment determine. When such road is laid out and located, a survey and plat thereof shall be filed in the office of the clerk of the county court. The county court or board of supervisors (as the case may be) shall cause the same to be opened and worked as other state or public roads. The said road shall not be subject to vacation, or alteration in any manner, on any pretence, for the term of fifty years.

Road from Canton to mouth of Copperas creek.

Duty of commissioners.

§ 10. That Matthew W. Busey, of the county of Champaign; Asa Duncan and Hiram Hickman, of the county of Vermilion, be and they are hereby appointed commissioners to view, mark and lay out a road from Urbana, in Champaign county, *via* Myer's mill, in Vermilion county; thence east, to a point on the state line in said last mentioned county, to intersect a road leading to the town of Williamsport, Indiana.

Road not subject to alteration for fifty years.

Road from Urbana to Indiana line.

§ 11. The said commissioners shall meet at Urbana, in Champaign county, on the third Monday in May next,

Duty of commissioners.

or as soon thereafter as practicable, and after being sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view the two following routes, to wit: the first commencing at said town of Urbana; thence east, through Pilot Grove, in Vermilion county; thence east, to Vermilion Rapids; thence east, to Myer's mill, in said county; thence east, to a point on the state line, to intersect a road leading to Williamsport, Indiana, as aforesaid. The second, commencing at said town of Urbana; thence east, to a point about one mile north of Burr Oak Grove; thence an easterly course, to the north-west quarter of section thirty, in township twenty-one N., R. thirteen west; thence east, to Thomas H. Chenowith's, on the line between section twenty-two and twenty-seven, township twenty-one N., R. thirteen west; thence an easterly course; thence to intersect the Ottawa road at Elon Sperry's; thence east, to said Myer's mill, in said county of Vermilion. After viewing said two routes the said commissioners shall proceed to locate and lay out said road from said town of Urbana to a point on the state line as aforesaid, on the best and most convenient route of said two routes described as aforesaid, by marking trees in the timber and setting up stakes or ploughing in the prairie. And the said commissioners, having located said road as aforesaid, shall, within forty days thereafter, make a report and return to the office of the county clerk of each of said counties through which said road may pass, or to the clerk of the board of supervisors of either of said counties [which] shall organize under the township organization law. One copy of the plat of the survey, together with the field notes thereof, which, together with the report of said commissioners, shall be spread upon the records of the said county courts or board of supervisors, as the case may be.

Plats to be recorded.

§ 12. The county court or board of supervisors, as the case may be, of each county through which said road may have been located, shall, at the first term of said courts which shall be held after the location as aforesaid, notify the supervisors of roads in the districts in which said roads are laid out, of the location aforesaid, and cause the same to be opened immediately, to the width of four poles, and kept in good repair as other state roads are.

Opening and repair of road.

§ 13. That the 17th section of an act entitled "An act to locate, re-locate, vacate, and establish certain state roads," approved March 1st, 1847, or so much thereof as confines the line of said state [road] to the third principal meridian, be and the same is hereby repealed.

Part of act repealed.

§ 14. That Lewis F. Casey, of Jefferson county; William C. Greenup, of Fayette county; Benjamin Wyatt, of McLean county; Simon P. Shope, of Crawford county; Thomas Patterson, of Marshall county; John Hoffman, of La

Commissioners to locate road near third meridian.

Salle county, be and they are hereby appointed commissioners to view, mark, survey and re-locate said state road on the most suitable and best ground, and as near the third principal meridian as the ground and situation of said ground will admit, doing as little damage to private property as may be; and which re-location shall be made with great care, with a view to the same being made a permanent road, and a majority of said commissioners shall be a quorum to act.

§ 15. Said commissioners shall commence at the north line of Massac county where the third principal meridian crosses the said county line, thence north to the north line of Marshall county, at or near where the third principal meridian crosses said line; thence, on the most suitable ground and direct route, to the town of La Salle, in La Salle county. Beginning of location.

§ 16. Said commissioners shall proceed to re-locate said road, on or before the first day of June next, and shall complete the same on or before the first day of September next ensuing, and file a copy of said survey and report with the clerk of the county court or board of supervisors of each and every county through which said road shall pass, to be recorded and filed in his said office. And it shall be the duty of said clerks to lay the same before the county court, or board of supervisors, as the case may be. And said county aforesaid shall cause the said road to be opened without delay, and made passable for traveling, and cause the same to be improved from year to year, with a view to making said road one of the main important roads of this state. Time when location to be made.

§ 17. That Thomas Gowan and Thomas Henderson, of Fulton county, and Alfred Wallace and Archibald Edmonston, of Shuyler county, be and they are hereby appointed commissioners to view and locate a state road from Astoria, in the county of Fulton, to the town of Rushville, in the county of Schuyler. Road from Astoria to Rushville.

§ 18. Said commissioners, or a majority of them, shall meet in the town of Astoria, on the first Monday of April next, or within six weeks thereafter, and after being duly sworn and qualified by some justice of the peace, shall proceed to locate and mark said road, on the nearest and best route, from the said town of Astoria to the town of Rushville. Duties of commissioners.

§ 19. That the county courts of the several counties of this state shall have the supervision and control of all roads and public highways within their respective counties, whether such county be organized under or by virtue of the "township organization law" or otherwise, and shall be governed by the several laws of this state relating to roads and public highways previous and at the time of such Duty of county courts or boards of supervisors.

Acts repealed. organization, and all laws and parts of laws coming within the purview of this act, or inconsistent therewith, be and the same are hereby repealed.

Road from Albion to Salem. § 20. That Cadwallader Jones, of Edwards county; Jacob H. Biddle, of Wayne county, and Ephraim Meadows, of Marion county, are appointed commissioners to mark, view and locate a state road from Albion, in Edwards county, to New Massillon, in Wayne county, and thence to Enterprise, in said county, and thence to Salem, in Marion county.

Duty of commissioners. § 21. Said commissioners, after being duly sworn, shall, soon as practicable thereafter, proceed to perform said duty, doing as little damage as possible to private property; and shall, in a reasonable time thereafter, file plats of said road in the offices of the county clerks of said counties; which plats, with a report of their doings in the premises, shall remain and be entered of record in said counties.

Road from Meredosia to Warsaw. § 22. That Jacob Dailey, Barsilla Chattan and Alexander McClintock are appointed commissioners to lay out and locate a state road from Meredosia to Warsaw, commencing at the east line of section eighteen, in township one north, range five west; thence north, to the north-east corner of said section; thence west, on a road leading from Rushville to Quincy, to the south-west corner of sec. 11, in T. 1 N., R. 6 W; thence one half mile; thence north-west, following a road connecting said state road with a road leading from Pulaski to Columbus, to intersect the above state road at or near McAnnity's lane.

Road from Sparta to Cairo. § 23. That Robert Nesbit, of Randolph county; Hiram Pennoyer, of Jackson county; John Hunsaker, of Union county, be and they are hereby appointed commissioners to view, mark and locate a state road from Sparta, in Randolph county, to the city of Cairo, in Alexander county, by way of Murphysborough, in Jackson county, Western Saratoga, in Union county, and near old Peru, in the south part of Union county, on the most eligible route.

Duty of commissioners. § 24. Said commissioners, after being duly sworn before some justice of the peace, shall, as soon as practicable thereafter, proceed to perform the duties as required by this act, avoiding as much as possible damage to private property. Said commissioners, in a reasonable time thereafter, shall cause to be filed a complete plat in the county commissioners' clerk's office of each county through which said road shall run; which report and plat shall be preserved and entered on the records of said courts.

Plat to be filed and recorded. § 25. The said commissioners shall have power to employ a surveyor, and such other persons as may be necessary in the survey and location of said road; and said commissioners and surveyor, and such other persons so employed, shall be allowed a reasonable compensation for the time

Surveyor, &c., may be employed.

necessarily employed, out of the treasury of the respective counties through which said road may pass, in proportion to the time employed in each of said counties in laying out said road; and when said road is laid out as aforesaid the county commissioners' courts of the aforesaid counties shall cause the same to be opened and kept in repair as other state roads are.

§ 26. Also, to change a part of the state road leading from Palestine, in the county of Crawford, to Lawrenceville, in the county of Lawrence, as follows, to wit: to commence at north-east corner of section sixteen, in town six north, of range eleven west, and running along the said [road] until the same takes an easterly direction, and thence due north until it reaches the bluff of Lamotte creek; thence north-easterly, along said bluff, until it unites with the present traveled road; and that John W. Hoit, James McDaniel and John Martin be appointed to locate the same.

APPROVED February 17, 1851.

Road from
Palestine to
Lawrenceville.

AN ACT to grant certain pre-emption therein named.

In force Feb. 17,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a pre-emption right be and the same is hereby granted to Christopher C. Venum, on lot number three (3,) in the north-west quarter of section number three (3,) in township number twenty-five (25) north, of range twelve (12) west of the second principal meridian; also, to Robert Nilson, on lot number four (4,) in said section of land; also, to John Nilson, jr., on ten acres off south side of lot number five (5,) in the same section of land; also, to Robert Nilson, as executor of the last will and testament of John Nilson, deceased, on the residue of lot number five (5,) in said section of land, and on the east half of lot number six (6,) in same section of land. And the said several persons, or their legal representatives, or the successor in office of said executor, shall have the exclusive right of purchasing said tracts respectively, within one year from and after the passage of this act, by paying to the auditor of public accounts the sum of one dollar and twenty-five cents an acre for their respective tracts. And whenever the said auditor shall certify to the governor of this state that said persons, or either of them, have paid the amount required upon their respective tracts of land, the governor shall cause to be issued to each of said persons, or their successors or legal representatives, a patent for his, her or their respective portions of said lands.

Pre-emption to
C. C. Venum.

Robert Nilson.

John Nilson, jr.

Robert Nilson,
as executor.

Patents.

Acts suspended
and repealed.

§ 2. The provisions of an act entitled "An act granting certain pre-emptions therein named," approved Feb. 12, 1849, so far as the same relates to John Nilson, are hereby suspended, and an act entitled "An act to grant pre-emptions to Christopher C. Venum, Robert Nilson and Robert Hill," approved Feb. 12, 1849, is hereby repealed.

This act to be in force from its passage.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to authorize the county court of Effingham county to cause the tax books to be examined and errors corrected.

Preamble.

Whereas Samuel B. Parks, collector for the county of Effingham, has been unable to have his accounts for the revenue of the years one thousand eight hundred and forty-six, one thousand eight hundred and forty-seven, one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, adjusted, and it being represented that there are a large amount of errors and double assessments on the tax books for the years aforesaid; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

Re-examination
of tax-books.

county court of said county be and they are hereby authorized and required to cause the tax books for the years above referred to be examined and the proper abatements for errors, &c., allowed. And the auditor is hereby authorized to delay proceedings on the bonds of said collector until he shall have a reasonable time to have the accounts adjusted as aforesaid.

Legal proceedings
delayed.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend the several laws in relation to limitations.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all

Rule as to causes
of action
which accrued
under act of
Feb. 10, 1849.

causes of action which accrued during the time that the act entitled "An act to amend the sixth chapter of the Revised Statutes, entitled 'Limitations,'" approved on the tenth day of February, one thousand eight hundred and forty-nine, was in force, and where a different period is prescribed by that act from the one provided by the act entitled "An act to amend the several acts concerning limitations of actions," approved on the fifth day of November, one thousand eight

hundred and forty-nine, shall be governed by the provisions of the latter act.

§ 2. That all causes of action existing at the time, or which had accrued prior to the thirteenth day of April, one thousand eight hundred and forty-nine, when the first of the above recited acts became a law, and for the barring of which there was no previous statute, shall be governed by the provisions of that act; the time limited thereby to commence to run from and after said act became a law.

Rule in causes of act'n which accrued previous to said act.

This act to take effect on its passage.

APPROVED February 17, 1851.

AN ACT to provide for the support of paupers in Lake county.

In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the several townships in the county of Lake, be and they hereby are empowered to support all paupers residing within their respective limits, out of the treasury thereof: *Provided*, that at the next general election to be held in said county, on the Tuesday after the first Monday in November next, a majority of the legal voters of said county voting at said election shall vote in favor of such separate township support; which vote shall be by ballot, written or printed, or partly written or partly printed, "For township support," or "Against township support;" which shall be canvassed and returned in the same manner as in cases of elections for county officers.

Towns authorized to support their own paupers.

Proviso.

§ 2. It shall be the duty of the clerk of the county court of said county to give notice of the said election in the same manner as is provided for giving notices of general elections.

Duty of county clerk.

§ 3. That in case separate township support shall be adopted in said county, agreeably to the provisions of the first section of this act, then the overseer of the poor of the several townships aforesaid shall take charge of, maintain and support the poor of their respective townships, in manner as is now or may hereafter be provided by law; and all expenses incurred for such maintenance and support shall be considered a township charge; and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular annual meeting thereof, a true account of all expenditures incurred under the provisions of this act; which shall be audited and paid as other township charges are audited and paid.

Overseers of the poor, duty of.

§ 4. If any person shall become chargeable in any township of said county in which he or she did not reside at the

Non resident paupers, how provided for.

commencement of the thirty days immediately preceding his or her becoming so chargeable, he or she shall be taken care of by the the overseer of the poor of such township; and if such poor person was a resident of any other township of said county, within the thirty days aforesaid, then the overseer of the poor of the township having such poor person in charge, shall give notice to the overseer of the poor where such pauper resided as aforesaid, stating that such pauper became chargeable as a pauper, and requesting said overseer to remove said pauper forthwith, and pay the expense incurred in taking care of him or her.

Provisions of
Revised Stat-
utes, how to
apply.

§ 5. That the provisions of sections fourteen, fifteen and sixteen, of chapter eighty, of the Revised Statutes, entitled 'Paupers,' shall apply to and operate, as between the several townships of said county, in the same manner as they do between the several counties of this state. And if any person shall become chargeable in any township of said county who did not reside in said county at the commencement of the thirty days as aforesaid, then the overseer of the poor having such pauper in charge shall give notice thereof to the county clerk of said county, whose duty it shall be to give notice thereof to the authorities of the proper county, as in other cases. And the expenses of taking care of such pauper, when received from such foreign county, shall be paid into the treasury of the proper township.

APPROVED Feb. 17, 1851.

In force April
18, 1851.

AN ACT to amend the general road law, and for other purposes.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the law now in force in relation to public roads as provides that supervisors shall not work with less than ten hands at one time, be and the same is hereby repealed, and hereafter supervisors may work with any number of hands which they may deem advisable.

Part of act re-
pealed.

Compensation
of road super-
visors

§ 2. That hereafter supervisors shall be allowed the sum of one dollar per day, for each and every day in which they are necessarily employed in the discharge of their duties, over and above the time consumed in working out their own tax.

Sec'y of state to
cause a reprint
of road laws.

§ 3. The secretary of state is hereby required to cause a reprint, in pamphlet form, of all the general laws in relation to public roads, and the duties of supervisors, now in force, to be distributed at the same time and in the same manner as is provided for the distributing the laws and journals of the present session. That the number of such

pamphlets shall be three thousand, to be distributed to the counties in proportion to population: *Provided*, that such reprint shall not include any law the object and effect of which is merely to establish state roads. Proviso.

APPROVED Feb. 17, 1851.

AN ACT to authorize the election of one additional justice of the peace and constable in the county of Adams. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That one justice of the peace and one constable, in addition to the number now authorized by law, shall be elected in the county of Adams, by the legal voters of the town of Payson, in said county; which justice of the peace and constable shall reside in the said town of Payson. Town of Payson to elect additional justice and constable.

The county court of the county of Adams are hereby required to cause an election to be held on the first Monday in April next, and at each regular election for justices of the peace and constables thereafter, for such additional justice of the peace and constable, who, when elected, shall be commissioned and sworn into office as other justices of the peace and constables are, and shall hold their offices until their successors are elected and qualified, as in other cases; and the justice of the peace and constable so elected shall have the same jurisdiction and rights, and be governed in all respects by the same regulations as other justices of the peace and constables in this state. Time of elect'n. Jurisdiction.

§ 5. This bill shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to authorize certain school directors to sell or exchange certain town lots therein named, and to purchase or receive on exchange therefor other town lots. In force February 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the school directors of school district number four (4) in township number thirty-six (36) north, of range ten (10) east, in Lockport, Will county, Illinois, or their successors in office, be and they are hereby authorized and empowered to sell or exchange any or all of the lots selected by the commissioners of the Illinois and Michigan canal, Sale of school lots in Lockport authorized.

from the town plat of the village of Lockport, in said county, for the use and benefit of common schools in said town of Lockport, under an act entitled "An act to provide for the dedication of lots in towns situated on canal lands to public purposes," approved Feb. 28, 1839, and to make, execute, acknowledge and deliver to the purchaser thereof a deed or deeds, conveying unto him, her or them the said lot or lots, and to their heirs and assigns forever.

Application of proceeds.

§ 2. The money received by said securities for the time being, for said lot or lots, shall be by them held in trust for the use and benefit of said school district number four (4,) and shall be by them faithfully appropriated to the following purposes, and not otherwise, to wit: *First*, so much thereof as may be necessary to purchase a suitable lot or lots, for the purpose of erecting thereon a school-house for said district; *Secondly*, if any surplus remains, to appropriate the same towards building a school-house for said district.

Directors to give bond.

§ 3. The said school directors, or their successors in office, shall, before making sale of any of said lots, enter into bonds to trustees of schools for said town thirty-six, in such sum as said trustees shall direct, for the use of the inhabitants of said school district number four (4,) conditioned for the faithful application of the funds arising from said sales, with securities, to be approved by said trustees; and before any directors shall be entitled to receive of their predecessors any moneys raised as aforesaid, they shall enter into like bond.

To whom conveyance made in case of purchase.

§ 4. In case of the purchase of any lot or lots as aforesaid, or of receiving any lot or lots in exchange as aforesaid, the said lot or lots shall be conveyed to the trustees of schools for said town thirty-six (36) north, of range ten east, and to their successors in office, for the use and benefit of the inhabitants of said school district number four.

§ 5. This act to be in force from and after its passage.
APPROVED Feb. 17, 1851.

In force February 17, 1851.

AN ACT to authorize the sale of the parks and squares in the town of Barry, in Pike county, Illinois.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Benjamin D. Brown, Montgomery Blair and C. W. McGregor, be and they are hereby appointed commissioners to subdivide, sell and convey all of the parks and squares in the town of Barry, Pike county, Illinois, which were dedicated to said town by the proprietors thereof.

§ 2. Said commissioners, before proceeding to sell said parks and squares, shall give at least three weeks' notice of the time, place and terms of said sale, by publishing the same in all of the newspapers printed and published in the said county of Pike, describing the property to be sold with reasonable certainty. Their duty.

§ 3. Said commissioners may, in their discretion, sell said parks and squares for ready money or upon credit, as they may judge most conducive to the interests of said town: *Provided*, that if credit is extended to the bidders the purchaser shall secure the payment of the said purchase money by bond and mortgage on said property. Sales, how made.

§ 3. The proceeds of such sales, when collected, shall be applied in the erection of a building in the town of Barry, to be forever after used as a common school by the inhabitants of said town, and for no other purpose of a permanent nature. Proceeds of sale, how applied.

§ 5. The said commissioners, before proceeding to sell said parks and squares, shall give a bond, with good security, payable to the school commissioner of the said county of Pike, in double the value of said parks and squares, conditioned to account for and pay over the proceeds of such sales to such building committee as may hereafter be appointed by the legal voters of the said town, to superintend the erection of said common school building. Commissioners required to give bond.

§ 6. The legal voters of said town are authorized to assemble in town meeting, and adopt such plan and make such other arrangements for the purpose of carrying out the objects of this act, as they may deem proper: *Provided*, their acts shall not conflict with the provisions and purposes of this act. Said town meeting may appoint a building committee, and take security for the faithful application of the fund directed to be raised by this act. Power of legal voters.

§ 7. This act to take effect and be in force from and after its passage. Proviso.

Approved Feb. 17, 1851.

AN ACT to alter the boundaries of the town of West Point, in the county of Ste- In force April
phenson. 1, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the west half of township twenty-eight north, of range number six east of the fourth principal meridian, be and the same is hereby added to and made a part of the town of West Point, in the county of Stephenson. Addition.

Justices of the
peace.

§ 2. That any justices of the peace elected for the town of Waddam, and who reside in that part of said town of Waddam added to the town of West Point by the foregoing section, shall be the justice for said town of West Point, and shall have and exercise jurisdiction therein in all respects as if they had been elected for said town of West Point; and no election for justices of the peace in said town shall be ordered until the next general election, except to fill vacancies.

§ 3. This act to take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and fifty-one.

APPROVED February 17, 1851.

In force Febru-
ary 17, 1851.

AN ACT to amend the laws in relation to the settlement of estates.

Addition'l pow-
ers conferred
upon probate
court.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred upon courts of probate by the act entitled "An act to facilitate the collection of debts by executors and administrators in desperate cases," approved on the first day of March, one thousand eight hundred and forty-five, courts having probate jurisdiction are hereby vested with power to order claims, debts and demands due at so remote a period as to prevent their collection within the time required for the final settlement of estates, and the collection or disposition of which is necessary to the payment of the debts against the estate, to be compounded or sold, in the same manner and upon the same conditions as though such claims, debts or demands were desperate or doubtful: *Provided*, that no claim, debt or demand shall be sold or compounded for less than ten per cent. below the par value thereof.

This act shall take effect from and after its passage.

APPROVED Feb. 17, 1851.

Sale or com-
pounding of
claims which
cannot speedi-
ly be collected.

In force Febru-
ary 17, 1851.

AN ACT to authorize the sale of the public square in the town of Versailles.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That A. D. Ravenscraft, John Sides and S. H. Gaston be and they

Commissioners.

are hereby appointed commissioners to sell the ground in the town of Versailles, in the county of Brown, known and described upon the plat of said town as the public square; and the said commissioners are hereby empowered to convey the same to the purchaser or purchasers in fee simple absolute: *Provided*, said sale shall be made in said town of Versailles at public auction, to the highest bidder; the said commissioners first giving thirty days' public notice of the time and place of such sale.

Object of their appointment.

Proviso.

§ 2. The said commissioners, before entering upon the duties of their office, shall severally give bond, payable to the people of the state of Illinois, for the use of the county of Brown, in such sum and with such securities as the judge of the county court of said county may approve; which bond shall be conditioned that the proceeds of said sale shall be faithfully applied to the erection of a public school-house on said land.

Bond required.

Condition.

§ 3. The said commissioners shall report to the judge of said county the manner in which they have executed the trust here created, and if said report be approved the bonds herein required shall be discharged and cancelled. Any act done by a majority of said commissioners shall be valid and binding.

Report to county judge.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT making appropriations for the pay of the officers and members of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session of the general assembly.

In force Feb 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the following appropriations be and the same are hereby made to the members and officers of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session thereof:

Appropriation.

1. To the speaker of the senate and of the house of representatives, each, the sum of three dollars per day, for the first forty-two days' attendance, and two dollars per day for each days' attendance thereafter.

Speaker of the Senate and H. of Reps.

2. To each member of the senate and house of representatives, the sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day for each days' attendance thereafter.

Senators and representatives

3. There shall be allowed to each of the members of the general assembly, including the speakers of both houses,

Mileage.

ten cents per mile for each necessary mile's travel, in going to and returning from the seat of government.

4. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each, the sum of five dollars per day.

5. To the sergeant-at-arms of the senate, and to the door-keeper and assistant door-keeper, the sum of four dollars per day.

6. To the engrossing and enrolling clerks of the senate and of the house of representatives, each, the sum of three dollars per day.

7. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed, to be certified by the principal.

8. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses, and entered on the journals, and published at the close of the session: *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerks thereof, and entered on the journals, and published as aforesaid; which said certificates, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively, who shall issue his warrant on the treasury for the amount to which each person shall be entitled as aforesaid, to be paid out of any moneys in the treasury not otherwise appropriated.

9. To the clergymen of Springfield who have officiated as chaplains to the general assembly, the sum of one hundred and twenty-six dollars; to be divided among them, as they shall agree among themselves.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature as aforesaid.

1. To the governor, at the rate of fifteen hundred dollars per annum.

2. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire; and to the said auditor at the rate of two thousand dollars per annum for clerk hire; and he is hereby required to keep three clerks constantly employed in his office, until the adjournment of the next regular session as aforesaid.

3. To the state treasurer, at the rate of eight hundred dollars per annum, exclusive of clerk hire; and to the said treasurer at the rate of six hundred dollars per annum for clerk hire.

4. To the secretary of state, at the rate eight hundred dollars per annum, exclusive of clerk hire; and to the said secretary of state at the rate of six hundred dollars per annum for clerk hire. Secretary of state.
 5. To each of the judges of the supreme court of this state, at the rate of twelve hundred dollars per annum. Judges supreme court.
 6. To each of the judges of the circuit courts of this state, at the rate of one thousand dollars per annum. Circuit judges.
 7. To each of the state's attorneys in the several judicial circuits of this state, at the rate of two hundred and fifty dollars per annum. State attorneys.
 8. To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day: *Provided*, the same shall not exceed to each more than the sum of one hundred dollars per annum. Inspectors of penitentiary. Proviso.
 9. To Michael McNamara, the porter to the state offices, at the rate of one dollar and twenty-five cents per day. Michael McNamara.
 10. To the secretary employed in the fund commissioner's office, at the rate of four hundred dollars per annum, to be employed no longer than is necessary in the opinion of the governor; and it shall be the duty of the auditor of public accounts to issue his warrant on the treasurer for quarterly payments to the foregoing named officers. Fund commissioners, secretary. Quarterly payment of salaries.
- To the judge of the Cook county court, erected by an act approved twenty-first February, one thousand eight hundred and forty-five, at the rate of six hundred dollars per annum. Judge of Cook county court.
- To the prosecuting attorney of the said Cook county court, at the rate of two hundred and fifty dollars per annum. Prosecuting attorney.

APPROVED February 17, 1851.

AN ACT to effect the collection of the revenue of White county for the years 1846 and 1847, and for other purposes. In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* John B. Blackford, late sheriff and collector for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, be and he is hereby authorized and empowered to proceed in the collection of delinquent taxes for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, in the same manner he might have done under the assessment and laws regulating the collection of revenue for those years. Collector for '46 and '47 authorized to collect taxes of said years.

§ 2. The county court of White county, Illinois, at its June term, one thousand eight hundred and fifty-one, is County court to receive delinquent list '40.

hereby authorized to receive from the said John B. Blackford a delinquent list of the tax on personal property for the year eighteen hundred and forty-six.

Ten per cent.
remitted.

§ 3. The ten per cent. interest on the uncollected taxes for the years eighteen hundred and forty-six and eighteen hundred and forty-seven be remitted to the said John B. Blackford, and the time of settlement and collections by him as such collector be extended to the first day of April, one thousand eight hundred and fifty-two.

APPROVED Feb'y 17, 1851.

In force Feb. 17, 1851. AN ACT to repeal the charter of the Great Western Railway company, and for other purposes.

Preamble.

Whereas by the terms of a release executed by D. B. Holbrook, as president, and on behalf of the "Cairo City and Canal company," and bearing date at the city of New York, the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and forty-nine, the said Cairo City and Canal company did release and surrender to the state of Illinois the charter of the Great Western Railroad company, and all acts or parts of acts supplemental or amendatory thereof, or relating to the Central Railroad, together with all the rights and privileges of any kind granted by said charter of acts, as fully and completely as if the same had never been passed by the legislature;" and whereas one of the conditions expressed in said release required of the legislature of the state of Illinois, at the next session thereof to be holden after the execution of said release, to accept or decline the release on the conditions therein stipulated; therefore,

Release accepted.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said release be accepted by the state of Illinois.

Acts repealed.

§ 2. *Be it further enacted,* That the act entitled "An act to incorporate the Great Western Railway company," approved March sixth, eighteen hundred and forty-three, and an act entitled "An act to amend an act entitled 'an act to incorporate the Great Western Railway company,' approved February tenth, one thousand eight hundred and forty-nine," and "An act to incorporate the Illinois Central Railroad company," approved sixteenth January, one thousand eight hundred and thirty-six, be and the same are hereby repealed.

Grant of lands
accepted.

§ 3. *Be it further enacted,* That the act of the congress of the United States granting lands to the state of

Illinois, for the purpose of constructing a railroad from a point at or near the mouth of the Ohio to the southern terminus of the Illinois and Michigan Canal, with branches to Chicago and Galena, entitled "An act granting the right of way and making a grant of land to the states of Illinois, Mississippi and Alabama, in aid of the construction of a railroad from Chicago to Mobile," approved September twentieth, one thousand eight hundred and fifty, be and the same is hereby accepted; and all conditions expressed in said act are hereby agreed to and made obligatory upon the state of Illinois.

APPROVED February 17, 1851.

AN ACT to amend an act entitled "An act establishing county courts and providing for the election of justices of the peace and constables, and for other purposes." In force, April 18, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all and every person or persons, and any body corporate, who may hereafter consider himself, herself or themselves aggrieved by any decision or order of any of the county courts of this state, while sitting and exercising the powers and performing the duties heretofore conferred by law on the county commissioners' court of this state, shall be allowed to take an appeal from said decision or order to the circuit courts of their respective counties, by filing bond with the clerk of said court, to be approved by him within twenty days from and after the rendition of said decision or order; said bond to be made payable to the judge of the county court, or his successor in office, for the use of the people of the county in which said suit is pending; the condition of which shall be the same as bonds in appeals from justices of the peace.

Appeals from
county court
allowed.

§ 2. *Be it further enacted,* That it shall be the duty of the several clerks of the county courts of this state, within five days from and after the filing of the bonds as aforesaid, to make out a certified copy of the decision or order from which the appeal is taken, and transmit the same, together with all the papers in his possession appertaining or in anywise belonging to said cause, to the clerk of the circuit court, who shall file the same in his office, and docket the suit as in other cases of appeals.

Duty of clerks
of the county
courts.

§ 3. *Be it further enacted,* That the clerks of the several county courts of this state are hereby authorized and empowered to grant letters testamentary or of administration, and citations in vacation, subject to the approval or disap-

Clerks of county
courts author-
ized to grant
letters testa-
mentary, &c.,
in vacation.

proval of the court, at its next regular term, any thing in in the law to which this is an amendment to the contrary notwithstanding.

APPROVED Feb. 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend an act entitled weights and measures.

Standard
weight of cas-
tor beans.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the standard weight of castor beans shall and it is hereby declared to be forty-six pounds to the bushel.

§ 2. This act shall take effect from and after its passage.

APPROVED Feb'y 17, 1851.

In force Feb. 17,
1851.

AN ACT to amend an act entitled "An act to require the people of Alton to pay a part of the election and court expenses of the county of Madison," approved February 27, 1847.

Construction of
amended act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act to which this is an amendment be so construed as to require the common council of the city of Alton, and the county court of Madison county, at the June term of said county court of each and every year, to ascertain and settle upon the amount to be paid by said city for and on account of the expenses in said recited act mentioned for the then current year.

City council to
pay county for
assessment of
city property.

§ 2. The city council of the city of Alton, each year hereafter, shall pay the county of Madison the amount which said county rightfully pay to the county assessor, or his deputy, for assessing property within the limits of said city.

§ 3. This act to take effect from and after its passage.

APPROVED February 17, 1851.

In force Feb. 17, AN ACT to authorize each town in the county of Tazewell to support its own paupers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the

overseer of the poor in each town in the county of Tazewell is hereby authorized and required to provide for the support of the paupers belonging to said town, and the expense thereof shall be paid to the supervisor of said town out of any moneys collected for that purpose.

Each town required to support its own paupers.

§ 2. That the board of supervisors of said county are hereby authorized to make such arrangements for the support of the paupers who are now under their charge as they may deem expedient, at the expense of said county.

Authority of board of supervisors.

§ 3. The relatives of such paupers, for refusing to support them, shall forfeit and pay to the board of supervisors of said county of Tazewell, for the use of the town to which such paupers belong, the same sum, in the same order, as is now or shall hereafter be required by law; said penalty to be recovered in the name of the board of supervisors of said county of Tazewell, for the use of the town to which such paupers shall belong.

Penalty on relatives of paupers, for refusing to provide for their support.

This act to take effect from and after its passage.

APPROVED Feb. 17, 1851.

AN ACT to amend an act entitled "An act amendatory of the practice act," approved February 16, 1849.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all actions which may have been or may be commenced to perfect a distress for rent, before any justice of the peace in this state, when the defendant or defendants shall have left the state or cannot be found, and upon the filing by the landlord, his agent or attorney, of an affidavit setting forth that such defendant or defendants have left the state, or cannot be found, it shall be the duty of the justice of the peace to proceed in the cause, in the same manner as is required by section seven or eight of chapter eight of the Revised Laws.

Proceedings in case of distress, for rent, where defendant has left the state.

This act to take effect from and after its passage.

APPROVED February 17, 1851.

AN ACT to drain the wet lands about Chicago.

In force Feb. 17, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Smith, George W. Snow, James H. Reese, George Steel

Commissioners.

and John Gray, Alson S. Sherman, Hart L. Stewart and Isaac Cook be and they are hereby appointed commissioners to lay out and superintend the construction of ditches, embankments or roads necessary for the drainage of wet lands situate, lying and being in townships No. 38, 39 and 40 in ranges No. 12, 13 and 14 east of the third principal meridian, in the county of Cook.

§ 2. The said commissioners are hereby vested with full power and discretion to determine the number, dimensions and direction of said ditches, roads and embankments; so far as it is practicable, they shall follow sectional, quarter sectional and eighth sectional lines, but where the natural descent of the land requires a different direction, they shall be at liberty to depart from the sectional lines, and follow the course indicated by the natural depression of the land, or such other course as shall best serve the purposes intended.

§ 3. The expenses of constructing said ditches, embankments or roads, together with all costs incurred on account thereof, shall be assessed upon the lands benefitted thereby, and the said commissioners are hereby empowered to assess the lands which they shall deem benefitted by the construction of said ditches, embankments or roads, in proportion to the benefit accruing to them, as nearly as may be. The commissioners shall describe, on an assessment roll to be made by them, the lands on which they have made assessments, and the amount of said assessments; which assessment roll they shall deliver over for collection to the county treasurer of Cook county, who is hereby authorized and directed to collect the same. And the said assessment roll, or a copy of it, duly certified under the hands of the commissioners, shall be a sufficient warrant to the treasurer to authorize him to collect the said assessments.

§ 4. The said assessments shall be a lien upon the lands upon which they are made until paid; and in case of refusal or neglect on the part of the owner or occupant of said lands to pay them, it shall be the duty of the treasurer to publish an advertisement in some newspaper published in the county, of his intention to apply to the circuit court of Cook county, by petition, for judgment against the said lands, particularly describing them. And the circuit court of Cook county is hereby vested with jurisdiction to take cognizance of said petition, and if upon examination it shall appear that the said lands are chargeable with said assessments, and that said assessments are not illegal, the said court shall proceed to render judgment against each piece or parcel of land mentioned in the petition, for the amount of the assessment made upon it, together with costs, and shall direct a special execution to issue upon said judgment against the same, directed to the treasurer of Cook county. Objections to the assessments may be made at any

Their power.

Expenses.

Lien upon lands.

Proceedings to enforce such lien.

time before final judgment; and if upon the hearing of said objections the judge shall regard any portion of said assessments as being unjust or illegal, he shall proceed to correct them, or, at his option, refer the matter back to five special commissioners, to be appointed by him, to correct the errors of the first assessment.

§ 5. The advertisement mentioned in the preceding section shall be made in the newspaper supposed to have the largest circulation in the county, and shall be published at least once in each week for four weeks previous to the next term of the circuit court of Cook county. Advertisements.

§ 6. The compensation of the treasurer for the services required of him in this proceeding, shall be the same as that to which he is now entitled for the collection of state and county taxes. Compensation of treasurer.

§ 7. Lands sold under the provisions of this act may be redeemed from such sale, within the same time, and upon the same terms, that are now prescribed in the case of lands sold for state and county taxes, but if no legal redemption is made from such sale, the treasurer of Cook county shall make a deed of said lands to the purchaser or purchasers thereof, his or their heirs or assigns, upon the return of the certificate or certificates of purchase. Redemption of lands sold.

§ 8. Persons owning lands on either side of said ditches, or roads, or embankments, and contiguous thereto, shall be permitted by the commissioners to pay their assessments in labor, under the supervision and in accordance with the plans and directions of the commissioners; provided they will perform such work as cheaply as others can be employed to do the same. Certain assessments may be paid in labor.

§ 9. Whenever any of the above named commissioners shall die or resign his office, or remove from the county, the judge of the circuit court of Cook county shall appoint a competent person to fill the vacancy thereby created. Vacancy in board of commissioners, how filled.

§ 10. The commissioners shall receive for their services a compensation of one dollar and fifty cents (\$1 50) per day, for every day in which they may be employed upon said work, and they may employ a surveyor to assist them in the location of any ditch, embankment or road, at a rate of compensation not to exceed three dollars (\$3 00) per day, together with the necessary assistants and laborers; all of which charges shall be deemed part of the necessary expenses of said work. Compensation.

§ 11. The said commissioners shall have power and authority to erect and construct suitable bridges over said ditches or embankments, at the crossings of highways, and at such other points as shall seem to them expedient or necessary, the expenses of which shall be assessed as a part of the cost of the aforesaid improvements, and shall be collected in the same manner above stated. Bridges.

APPROVED Feb. 17, 1851.

In force Feb. 17, 1851. AN ACT to provide for the ordinary and contingent expenses of the government, until the adjournment of the next regular session of the general assembly, and for sundry accounts for materials and necessaries furnished for the use of the state.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following sums be and they are hereby appropriated to meet the ordinary and contingent expenses of the government until the adjournment of the next regular session of the general assembly of the state of Illinois:

Appropriations. 1. The sum of eight thousand dollars, as a contingent fund, to meet the contingent expenses of the state government; and the said fund shall be subject to the order of the governor, for the purpose of defraying all such expenses as are unforeseen by the general assembly, or are unprovided for by law; and a proper statement of which shall be laid before the next general assembly by the auditor, in his biennial report.

Incidental ex- 2. The sum of fifteen thousand two hundred dollars, as
penses. a fund to meet the incidental expenses of the state government, which shall be appropriated as follows, to wit: to the auditor's office, for furniture and repairs of office, five hundred dollars; for abstracts of lands, plats of old surveys, and incidental expenses in correcting land lists, two thousand dollars; for printing blanks, circulars, patents, &c., one thousand dollars; for postage on public letters and documents, one thousand dollars; for stationery, books, candles, &c., one thousand dollars.

Auditor's office for furniture and repairs. 3. To meet the expenses of the office of the secretary of state: for furniture and repairs of the office, three hundred dollars; for postage on public letters and documents, six hundred dollars; for printing blanks, circulars, &c., seven hundred dollars; for stationery, candles, &c., six hundred dollars; for repairs, furniture, binding books, subscription for periodicals, &c., for state library, five hundred dollars; for repairs, furniture, fuel for the use of the legislature and state offices, stationery, printing paper and other expenses necessary in the discharge of his duty as secretary of state, and under the laws now in force, six thousand dollars.

Abstracts of land and plats. 4. To meet the expenses of the office of the treasurer: for books, furniture, postage, candles, &c., three hundred dollars.

Printing, blk's, &c. 5. To the executive department: for postage, candles, blank books, furniture, &c., seven hundred dollars.

Postage. 6. The sum of three dollars per day, for the time actually employed, for the hire of a clerk in the executive department, the amount to be certified by the governor, and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant to the treasurer for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.

Stationery, &c.

State library.

Fuel, stationery, for use of legislature.

printing paper, &c.

Office of treasurer, for furniture, postage, &c.

Executive department, for postage, furniture, &c.

Private secretary.

7. The sum of three hundred dollars for repairs of the governor's house. Repairs of governor's house.

8. That the following sums be and the same hereby are appropriated to meet the following accounts incurred for articles required for the use of the present general assembly, viz: the sum of thirty dollars and seventy-five cents, to G. A. Mason, for furnishing and repairing chairs; the sum of forty-one dollars and thirty cents, to Johnson & Bradford, for articles stationery; the sum of one hundred and eighty dollars and seventy-five cents, to E. B. Pease & Brother, for articles of stationery, &c.; the sum of four hundred and seventy dollars and sixty-one cents, to Hurst & Taylor, for sperin candles and sundries; the sum of two dollars and seventy-five cents, to Hawley & Loose, for locks; the sum of thirty-nine dollars, to James L. Lamb, for carpet; the sum of eleven dollars and fifteen cents, to S. M. Tinsley, for sundries; the sum of twelve dollars and fifty-six cents, to Hickox Brothers, for shovels and tongs, &c.; the sum of five dollars and twenty-five cents, to J. Bunn, for brooms; the sum of forty-nine dollars and fifty cents, to B. C. Webster & Co., for carpet and spittoons; the sum of nine dollars and fifty cents, to Lowry, Lamb & Co., for stove and pipe for committee rooms; the sum of forty-six dollars and twenty-one cents, to J. S. Rogers, for stove pipe, fenders, iron buckets, &c.; the sum of three dollars and fifty cents, to D. E. Ruckel, for table for senate chamber; the sum of seventeen dollars, to Vanhuff & Lewis, for furnishing materials and arranging drapery for windows behind speakers' chairs; the sum of one dollar per day, each, to Patrick Tamplin, Thomas Conner and David Dron, the three extra hands employed for carrying wood &c., for the use of the senate and house of representatives; to J. C. Sutton, one hundred dollars, for work done on the state house, to be certified to the auditor by the secretary of state; to Napoleon Koscialowski, for one hundred and twenty-one maps of the state of Illinois, as per resolution of the house, one hundred and thirty-six dollars and thirteen cents; for amount paid by auditor for making maps, estimating quantity of vacant lands, &c., for the use of the senate, sixty-six dollars and fifty cents; the sum of forty-seven dollars and seventy-eight cents, to Enoch Moore, for posting the journal of executive acts, kept in the office of secretary of state, from February, one thousand eight hundred and forty-eight, to May, one thousand eight hundred and fifty; the sum of two hundred dollars to the secretary of state, for making index to the laws, journals and reports of the present general assembly; the sum of one hundred dollars, to the publishers of the State Register, the same sum to the publishers of the Journal, and the same to the publishers of the Organ, for publishing the laws of a general

G. A. Mason,
\$30 75.

Johnson and
Bradford,
\$41 30.

E. B. Pease &
Bro. \$180 75.

Hurst & Taylor
\$470 61.

Hawley and
Loose, \$2 75

J. L. Lamb, \$39.

S. M. Tinsley,
\$11 15.

Hickox Brothers,
\$12 56.

J. Bunn, \$5 22

B. C. Webster
& Co., \$49 50.

Lowry, Lamb
& Co., \$9 50.

J. S. Rogers
\$46 21.

D. E. Ruckel,
\$3 50.

Vanhuff and
Lewis, \$17 00.

Patrick Tamplin,
Thomas Conner and
David Dron,
\$1 00 per day.

J. C. Sutton,
\$1 00.

Napoleon Koscialowski,
\$136 13.

Auditor, for
maps &c.

Enoch Moore,
\$47 78.

Secretary of
state, for making
indexes to laws &c.

Publishers of
Register, Journal
and Organ.

nature passed at the present session of the general assembly, to be paid when the services have been rendered. And the auditor is hereby authorized to draw his warrant or warrants on the treasury for the above mentioned sums, and the treasurer is hereby required to pay the same, out of any moneys in the treasury not otherwise appropriated.

9. The sum of eleven thousand dollars, in addition to the appropriations already made, is hereby appropriated, to be expended under the direction of the governor, secretary of state and treasurer, in pursuance of the provisions of an act entitled "An act making appropriations for the completion of the state house," approved Feb. sixteenth, one thousand eight hundred and forty-seven. Said commissioners shall first cause the area around the house to be made, and the remainder of the appropriations to be expended in completing the work in the interior of the house: *Provided*, that any old materials not necessary in the completion of the house may be sold by the commissioners, and the proceeds paid into the treasury, and the amount of said proceeds are hereby appropriated in addition to the amount above stated.

§ 2. The laws now in force providing for the pay of messengers to other states for the apprehension of fugitives from justice, rewards for escaped convicts, reports of the decisions of the supreme court, for work not completed or paid for, &c., shall remain in force, and the payments shall be made as required by said laws.

§ 3. All accounts for work done in repairing the state house, or any of the public offices, when said work is done by the day, or otherwise than by special contract, shall be attested by the oath of the claimant, or other witness, before the officer ordering such work shall certify to the account. All accounts for stationery or other articles furnished for the use of the state, or for any of the public offices, except when the same is furnished on a written contract, shall be attested by the oath of the claimant or other witness; which oath may be administered by the auditor of public accounts, or any justice of the peace or judge.

No warrant shall be issued by the auditor for work done or articles furnished for the use of the state, in pursuance of the foregoing appropriations, until the account is properly certified by the proper officer and approved by the governor.

§ 4. Messages, reports and documents required to be printed for the use of the general assembly, or either branch thereof, or for the use of any of the state departments, by any law, resolution or order, shall, in the first instance, be delivered to the secretary of state, to enable him to certify the amount payable to the printer, and shall then be dis-

Appropriation
for completion
state house.

Area around
state house first
to be made.

Proviso.

Laws continued
in force.

Certain ac-
counts to be
attested by
oath.

Amounts to be
certified and
approved.

Documents
printed for use
of state to be
first delivered
to secretary of
state.

posed of as required by the law, resolution or order directing such printing.

§ 5. That the auditor issue his warrant in favor of Napoleon Koscialowski, for the sum of twenty-five dollars, for his services in drawing plan and making estimates for a state armory by direction of the military committee.

Appropriation
of \$25 00 to
Napoleon Kos-
cialowski.

The sum of two hundred dollars is hereby appropriated to Daniel McIlroy, for performing the duties of state's attorney, for the two years past, in the seventh judicial circuit; and the auditor is hereby authorized to draw his warrant upon the treasurer for that sum.

Daniel McIl-
roy, appropri-
ation \$200 00

APPROVED Feb. 17, 1851.

JOINT RESOLUTIONS.

A JOINT RESOLUTION concerning postage and stationery.

Resolved by the Senate, the House of Representatives concurring herein, That the joint resolution of the last session concerning postage and stationery be adopted by the present session. Joint resolutions of 1849, adopted.

A JOINT RESOLUTION for obtaining a grant of land to every landless head of family.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to use their best endeavors to procure the passage of a law by congress, granting, free of charge, to every landless head of a family in the United States, who will settle on and cultivate the same for one year, one hundred and sixty acres of land from our public domain. Instruction.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of our members of congress.

A JOINT RESOLUTION instructing our senators and requesting our representatives to procure a stage route from New Harmony, Indiana, to Chester, Illinois.

Instruction.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to procure the establishment of a mail stage route from New Harmony, in the state of Indiana, to Chester, in the state of Illinois, by way of Phillipstown, Carmi, in White county; McLeansborough, in Hamilton county; Benton, in Franklin county, and Pinckneyville, in Perry county; and that the governor be requested to furnish each of our members in congress with a copy of this resolution.

JOINT RESOLUTION directing the auditor to withhold from sale certain state lands.

Lands withheld
from sale.

Resolved by the General Assembly, That the auditor be and he is hereby directed to withhold from sale, until otherwise directed, all the state lands situated on or near the line of the Central railroad, as heretofore located. Also, the lands situated on or near the line of a railroad proposed to be constructed from Alton to Terre Haute, as well as on or near the line of the Northern Cross railroad, east of Springfield.

JOINT RESOLUTION instructing our senators and requesting our representatives in congress to use their influence to obtain a grant of land in aid of the Alton and Mt. Carmel and of the Northern Cross railroads.

Instruction.

Southern Cross
railroad.

Resolved by the House of Representatives of the General Assembly of the State of Illinois, the Senate concurring herein, That our senators in the United States congress be and they are hereby instructed, and our representatives in said congress be and they are hereby requested, to exercise and use all due diligence in endeavoring to obtain the passage of a law by the congress of the United States, at the earliest day practicable, granting to the states of Illinois and Indiana the usual amount of alternate sections of public land on both sides of the Alton, Mt. Carmel and New Albany railroad, commonly called the Southern Cross railroad of Illinois and Indiana, running from the Mississippi river, near the mouth of the Missouri, to the falls of the Ohio river. And, also, on both sides of the Northern Cross

railroad, from Quincy, on the Mississippi river, to the eastern line of the state of Illinois, in the direction of Lafayette, to Indianapolis, in the state of Indiana. Said grants of public lands to be used by said states for the sole purposes of aiding in the construction of said railroads.

Northern Cross
railroad.

Resolved, That his excellency, the governor of this state, shall forward a copy of the foregoing resolutions to each of the senators and representatives from the state of Illinois to the congress of the United States. Copies to be forwarded.

RESOLUTION instructing our senators and requesting our representatives in congress to use their efforts to have the bounty land bill amended.

Resolved, That our senators in congress be instructed, and our representatives requested, to use their influence to procure the passage of a law by congress, so amending the present law granting land bounty to the commissioned, non-commissioned officers, musicians and privates, who served in any of the wars of the United States, since the year 1790, as to allow the widows of such soldiers, whether married or not, and the children of such soldiers, whether they shall have arrived at the age of maturity or not, to draw such bounty land jointly, upon all warrants not heretofore issued. Instruction.

JOINT RESOLUTION rescinding the resolutions of instruction of the Wilmot proviso.

Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That the constitution of the United States was the result of compromise, and could not have been formed without concessions made by the different states represented in the convention of 1787, and under which this confederacy of sovereign states was brought together, and consummated as an union for certain general and limited purposes; and that the federal government, as a consequence of the constitution, is one of limited powers, derived exclusively from that instrument, and, in order to its preservation, all the grants of power therein contained should be strictly construed by all the departments and agents of the general government so constituted; and that all the concessions and compromises therein contained, should be faithfully observed and maintained by all sections of our common country; and that it is at all times danger-

Constitution re-
sult of compro-
mise.

ous and inexpedient to exercise doubtful constitutional powers, unless the necessities and exigencies of the nation should manifestly surmount questions of doubt and expediency.

Resolved, That the institution of slavery was one of the principal subjects of compromise embraced in the constitution, and this general assembly, without committing itself upon the question of the constitutional power of congress to legislate upon the subject of slavery in the territories of the United States, deem the exercise of such power unnecessary and inexpedient, because the exercise of the same is calculated to impair the happiness of the people, and to endanger the perpetuity of our glorious Union.

Resolved, That regarding the constitution of the United States as not conflicting with the divine law as revealed to us, we, as citizens of the American Union, know no higher law than the constitution of our country; and that as members of the general assembly of Illinois, when we take an oath to support the constitution of the United States, do not consider that we make any mental reservation touching the requirements of duty imposed by that instrument; therefore, be it

Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That all laws passed by the congress of the United States, under and in pursuance of the constitution, should be supported, upheld and obeyed by all the citizens of this and every other state and territory in the Union.

Resolved, That the controversy upon the subject of slavery, between the slave-holding and non-slave-holding states of the Union, and the distractions, jealousies, and destruction of mutual confidence among the several states arising therefrom, should be deprecated by every good citizen and lover of his country, in the north, south, east and west, as having the inevitable tendency of loosening the bonds of the Union, and threatening to prostrate the noblest fabric of civil and religious liberty that the world ever saw.

Resolved, That the system of adjustment or compromise passed during the last session of congress, comprising the admission of California, the establishment of territorial governments for Utah and New Mexico, without the Wilmot proviso, so called, the settlement of the boundary line between Texas and New Mexico, the suppression of the slave trade in the District of Columbia, and the amendment of the act of 1793, for the recovery of fugitive slaves, is eminently calculated to remove the controversy, and to restore peace, quietude and confidence between the different sections of our beloved country, and meets with the hearty concurrence and approval of this general assembly.

Slavery, a principal object of compromise.

Duty of citizens.

Controversy on the subject of slavery to be deprecated.

Compromise approved.

Resolved, That our senators be instructed, and our representatives in the congress of the United States be requested, to use all their energies, and to employ their best abilities and influence in resistance to any and all attempts that may be made to disturb or to unsettle, either by repeal or modification, any of the measures embraced in that system of adjustment or compromise. Instructions.

Resolved, That any resolutions passed by any previous general assembly, in conflict with the foregoing, and especially those adopted during the first session of the last general assembly, known as the Wilmot Proviso resolutions of instructions, be and the same are hereby rescinded. Wilmot proviso instructions rescinded.

Resolved, That we approve of the manly and patriotic stand taken by the executive of the United States in evincing his determination to execute and enforce all laws constitutionally enacted, and that the people of the state of Illinois will cheerfully sustain him in so doing. Action of the president approved.

Resolved, That his excellency, the governor of this state, be requested to transmit a copy of the foregoing resolutions to each of our senators and representatives, with the request that a copy thereof be presented in each house of congress, and also a copy to the executive of each state of the Union, to be laid before their respective legislatures, that the position of Illinois, so far as can be defined by her general assembly, may be understood by the other states of the Union. Copies to be sent

A JOINT RESOLUTION in reference to the improvement of the Kaskaskia river.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, our representatives requested, to exert themselves to procure a donation of public lands from the general government, to be applied to the improvement of the navigation of the Kaskaskia river. Instruction.

JOINT RESOLUTION in reference to pre-emption rights on the line of the Central railroad and branches.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That our senators in congress be instructed, and our representatives be requested, to use their exertions to procure the passage of a law granting pre-emption, for twelve months from and after Instruction.

the selection of the lands hereinafter mentioned, to the actual settlers upon the public lands within fifteen miles on either side of the Central railroad and branches.

Resolved, That the governor be respectfully requested to transmit a copy of this resolution to our senators and representatives in congress.

Copies to be
transmitted.

DEPARTMENT OF STATE,

Springfield, Illinois, April 22, 1851.

I, DAVID L. GREGG, Secretary of State of the said state of Illinois, do hereby certify that the foregoing (except the words printed in brackets, thus [], which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws of a general nature, and joint resolutions, on file in my office.

In testimony whereof, I have hereunto set my hand, on the day and year aforesaid.

DAVID L. GREGG,

Secretary of State.

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